

## UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD  
SYMPOSIUM

+ + + + +

WEDNESDAY,  
APRIL 19, 2006

+ + + + +

The symposium met in the Ramada  
Conference Center, 1450 South Atherton  
Street, State College, PA, at 8:00 a.m.,  
Robert Anderson, Facilitator, presiding.

PANEL MEMBERS PRESENT:

ROBERT ANDERSON	Facilitator
BLAKE ALEXANDRE	Humboldt Creamery
KATHIE ARNOLD	H.P. Hood
JON BANSEN	Organic Valley
BRIAN McELROY	CCOF
MARYELLEN MOLYNEAUX	NMI Solutions
JOHN STALLEY	Oregon Tilth
ROMAN STOLTZFOOS	Natural by Nature
ALBERT STRAUS	Straus Family Creamery
JUAN S. VELEZ	Aurora Organic Dairy
MARGARET WITTENBURG	Whole Foods
ED ZIMBA	Horizon Organic Dairy
LESLIE ZUCK	PA Certified Organic

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1 P-R-O-C-E-E-D-I-N-G-S

2 8:02 a.m.

3 FACILITATOR ANDERSON: Okay. We  
4 will get started momentarily. Good morning.  
5 Good morning, everyone and welcome to day two  
6 of the dairy symposium. We've got some funny  
7 feedback here. Is that okay? And this  
8 morning especially I think is a great time for  
9 us, because we're going to hear from the  
10 people who are actually on the land raising  
11 the animals, milking the cows, making the  
12 products and ultimately the folks who will be  
13 most impacted by whatever decisions are made  
14 here today.

15 So I would like to announce an  
16 agenda change. We are planning to -- it  
17 seemed that these folks many of them traveled  
18 halfway or all the way across the country and  
19 to have just five minutes just didn't seem  
20 right. Now, we don't have an awful lot of  
21 time, extra time, but I have modified the  
22 agenda a bit this morning. So from 8:00 to

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1 9:15, including questions, will be the farmer  
2 presentations.

3 At 9:15, we will swap. The  
4 certifiers will come up from 9:15 to 10:15,  
5 including questions. We will take a break, 15  
6 minute break. And then we will come back  
7 10:30 to 11:30 with the consumer section. And  
8 at 11:30 to 12:00, we'll just have a wrap-up.

9 So I can't tell from where I am if you guys  
10 can hear me well or not. Okay. Good. Okay.

11 Well, then without further ado, we  
12 have an order here to the agenda and I would  
13 like to start with Jon Bansen from Organic  
14 Valley.

15 PANELIST BANSEN: I appreciate the  
16 chance to give the farmer point of view on all  
17 of the pasture issues. Just a little  
18 background on myself. I'm a third generation  
19 dairy farmer and a third generation grazer. I  
20 would like to say that I'm an organic dairy  
21 farmer, because I graze. That's an important  
22 part is I'm an organic dairy farm, because I

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1 graze. Not the other way around.

2 What grazing does is it gives  
3 great health benefits for our cows in hoof  
4 health, breeding health, reproductive health,  
5 low death rate and cull rate. And, you know,  
6 I would just like to go on the record to say  
7 that I believe that a low cull rate is  
8 absolutely vital to what we do. Low cull rate  
9 means you have a health bunch of cows and  
10 that's what we're in the business to provide a  
11 healthy product for healthy consumers. And I  
12 fully believe that the healthier cow is going  
13 to give you better quality milk.

14 We rotationally graze 180 to 210  
15 cows over the grazing season. We get six  
16 months of full graze where it provides about  
17 75 percent of the cows diet and two other  
18 months of the year we get, approximately, 50  
19 percent of the cows diet off of that grazing.

20 We rotate our cows. They are on a 16 day  
21 round, so every 16 days it's management  
22 intensive grazing, and that's also another

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1 important aspect in grazing is to manage the  
2 grass.

3           You heard talk yesterday about the  
4 quality of grass and stubble heights and all  
5 that, you know. It's all about the quality of  
6 the grass as far as going into those cows  
7 keeping those cows healthy. It needs to be  
8 vegetative grass, not just grass out there in  
9 any various stage.

10           One of the great benefits we have  
11 from the grazing is we always have extra  
12 animals to sell off our herd and that in turn  
13 aids the bottom line of our farm and this is  
14 really all about sustainability and that means  
15 economic sustainability as well. And that's a  
16 big part of our organic dairy farm.

17           What has been going on in the  
18 pasture issue with organics is a little bit  
19 like the duck that walks in to the grocery  
20 store and goes up to the clerk and he says you  
21 got any duck food? And the clerk looks at him  
22 and says no, I don't have any duck food and we

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1 don't serve ducks. Get out of here. And so  
2 the next day the same duck in the store he  
3 comes. He looks up at the same clerk and says  
4 you got any duck food? And the clerk says I  
5 told you yesterday we don't have any duck  
6 food. We don't serve ducks. Get out of here  
7 and if you show up again I'm going to nail  
8 your darn little feet to the floor.

9 Well, the third day the duck shows  
10 back up again, looks up at the clerk and says  
11 you got any nails? The clerk says no. He  
12 says you got any duck food? And you know,  
13 really right now, the certifiers don't have  
14 any nails, you know, that's what it comes down  
15 to. You know, people do not have to dairy --  
16 do not have organic dairy with their cows  
17 grazing, because the certifiers do not have  
18 nails in their little bag.

19 It all comes down to intent. You  
20 know, intent is the key word here. We all do  
21 know what a dairy looks like that grazes their  
22 cows. It takes five minutes for any one of us

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1 farmers to walk onto a farm to understand that  
2 it's a grass-based dairy and that's a very  
3 important aspect. You know, it's about  
4 integrity for our consumers, to our consumers,  
5 so they understand where their milk is coming  
6 from, that it is coming off of a grass-based  
7 area and that it is an important factor with  
8 the consumers of our products.

9 It's also about compliance and  
10 intent of the dairy farmer. And I hope if you  
11 come back with one word from what I say here,  
12 the word is intent, because that's what it's  
13 really all about. This is not about size.  
14 It's not a discussion about scale. I've seen  
15 a 6,000 cow dairy before where they had it  
16 broken into three 2,000 cow units, each with  
17 their own milking parlor where they grazed and  
18 grazed heavily.

19 It's also not about regions. This  
20 isn't about hitting east versus west. It's  
21 not about irrigation versus non-irrigation.  
22 We irrigate on our farm. We irrigate for

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1 about four months out of the year. This also  
2 comes to the intent part, because if you live  
3 in west of the Rockies, in the arid part,  
4 summer arid part of the country, you must have  
5 irrigation if you're going to be a grazer.

6 And if you are going to be an  
7 organic dairy farmer and you need to graze,  
8 you better have irrigation. That's intent to  
9 set up a dairy farm on the west side of the  
10 Rockies without irrigation, the intent is not  
11 there to be a grazer.

12 Organic Valley fully supports NOSB  
13 recommendations, full supports them, and we  
14 would like some clarification on the wording  
15 on the stage of production. You know, what's  
16 there would really work if it just gave the  
17 certifiers some nails. Organic Valley has 568  
18 farmers in 22 states and we feel, every region  
19 feels, that we can easily meet those  
20 guidelines of the 30 percent in 120 days.

21 And let me say that 30 percent in  
22 120 days should be a guideline, a minimum

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1 guideline, minimum. You know, once a person  
2 has the intent to graze, they will graze more  
3 than 120 days. If the intent is there, that's  
4 the fuel that fires most all of the organic  
5 dairy farms that I know that are successful.

6 The clarification must be common  
7 sense and as simple as possible to be  
8 implemented. Certifiers are people too and  
9 dairy farmers are people too and if it's too  
10 darn difficult, it becomes really a nightmare.

11 We support the three cow maximum per acre and  
12 that would be a good way to keep abuses from  
13 happening. As we heard yesterday, as far as  
14 putting 100 cows on 10 acres, that would be  
15 that nail.

16 I'm not so sure we need the 30  
17 percent and have to do the math every day as  
18 far as what our dry matter intake is, because  
19 again it's all about intent. I really don't  
20 care so much about whether it is 28 percent or  
21 75 percent. We all know what a dairy farm  
22 looks like that grazes. If it has feathers,

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1 if it walks like a duck, if it quacks like a  
2 duck, it probably is a duck.

3 And just to finish up, I was going  
4 through the airport on my way here, an airport  
5 screener said when she saw my Organic Valley  
6 shirt we struck up a conversation, she said  
7 she had seen the article in the newspaper the  
8 day before about this issue. Without me  
9 prompting, without me saying what I do on my  
10 farm, she said she really hoped that the USDA  
11 would clarify and tighten the pasture rule.  
12 Thank you very much.

13 (Applause)

14 FACILITATOR ANDERSON: Jon, where  
15 is your farm? Where is your farm? Where is  
16 your farm?

17 PANELIST BANSEN: Oh, my farm is  
18 located in Monmouth, Oregon, which is about an  
19 hour south of Portland.

20 FACILITATOR ANDERSON: Great.  
21 Thank you. Next up, Blake Alexandre, Humboldt  
22 Creamery.

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1                   PANELIST ALEXANDRE:       Than you.  
2       First of all, I want to thank everybody. I  
3       want to thank whoever asked me to be here. I  
4       consider it an honor and a privilege to be  
5       here today and to talk to you and be able to  
6       talk about what we do and to talk about  
7       Humboldt Creamery does. And we have prepared  
8       some slides. My wife prepared some slides, so  
9       I'm going to go through them with you.

10                   Up there is basically the label  
11       that we use at Humboldt Creamery. Humboldt  
12       Creamery is in extreme northern California,  
13       right on the coast, and that's where I grew up  
14       and that's where we dairy. And that picture  
15       is generally what we put on all of our organic  
16       products, whether it's ice cream or bottled  
17       milk or the cartons, but that's the logo,  
18       that's the look and that's the image that is  
19       very common throughout all natural food stores  
20       in the United States. You all know what I'm  
21       talking about and you all know that's, I  
22       believe, why we're here.

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1           We're going to move on to our  
2 dairy. Our dairy is, what we call Alexandre  
3 Family Ecodairy Farms, really owned by  
4 Stephanie and I, my wife and I and our kids.  
5 I've got a background in Ferndale, but we  
6 started up north, about 100 miles north in  
7 Crescent City or Del Norte County and so we  
8 actually dairy in two counties. That's a  
9 picture of our cows. We have a mixed herd of  
10 cows.

11           We're going to -- I'm going to  
12 give you some statistics, basically, on our  
13 herd. We have 4,500 acres of usable organic  
14 certified pasture and when I say usable,  
15 that's the net acres that we use. Of that,  
16 about 3,800 is irrigated and so we generally  
17 irrigate everything we have out there. We get  
18 a lot of rainfall, but it doesn't come in  
19 equal amounts throughout the year. We get it  
20 all in the winter and we're over 100 inches  
21 already.

22           We have 3,300 mature organic cows,

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1 counting milking cows and dry cows, and we  
2 milk those at three locations or in three  
3 barns in the two counties and it tends to  
4 work. Of those cows, we take good care of  
5 them. We test every cow every year for  
6 Johne's. Years ago when we started, we had 4  
7 percent Johne's infection rate and we're at  
8 less than a half a percent now.

9 I'm going to just keep working  
10 through this and we have 3,600 organic young  
11 stock right now and growing. The reason we  
12 have a lot of young stock is because we intend  
13 to milk more cows. I don't know how many  
14 more, but we're going to get a little larger.  
15 There is still a lot of opportunity out there.

16 There is a heck of a milk market and there is  
17 a demand for it.

18 We milk two times a day, because  
19 we have learned that three times a day doesn't  
20 work with grazing. It's really difficult to  
21 get large groups of cows in and out of the  
22 pastures. They just don't have time to go to

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1 and from the barn three times a day and to  
2 graze and to socialize and eat and do all  
3 those things they need to do.

4 We graze on pasture 300 days a  
5 year, approximately. So we are fortunate, we  
6 are blessed with good weather, extremely wet  
7 seasons. This year has been particularly wet  
8 in the winter, but we are in and out all the  
9 time. In terms of our cows go out if it gets  
10 real stormy, we lock them in and we supplement  
11 feed them with grass silage that we have  
12 harvested the year before.

13 We started last week grazing twice  
14 a day, so we will graze twice a day now for  
15 the next eight months. Of course, the day we  
16 started it rained three inches, so we stopped  
17 the next day. But generally, we depend on  
18 grass. I looked back at what we used to do  
19 and the three X milking, for instance. I went  
20 to college to learn how to be a dairyman and I  
21 went to Cal Poly where they teach us to be a  
22 herdsmen on a large California dairy with an

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1 endless supply of money.

2 And so I went home and tried to  
3 apply those principles and we milked three  
4 times a day and we used BST and we did all the  
5 high yield production agriculture that we were  
6 taught to do. And I have shifted gears from  
7 there. About eight years ago I was  
8 enlightened and I went a different direction,  
9 because that system was going nowhere and I've  
10 got a bunch of kids and I want my kids to grow  
11 up on a farm in our neighborhood that is a  
12 viable option. So when they go away to  
13 college and meet their spouse, that coming  
14 home to our neighborhood is truly a viable  
15 option.

16 And for me and Stephanie, that's  
17 what this is all about. It was really trying  
18 to mold our life and our dairy into something  
19 that would compete, I guess, with the rest of  
20 the dairy industry in the United States,  
21 because that's what we're up against. So  
22 organic marketing that niche is what we chose

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1 and that's the path that we're on and that's  
2 exactly why we're on it.

3           When I look back at our numbers  
4 last year, the 65 -- the 0 to 65 percent, this  
5 is how I calculate what we do on our large  
6 scale basis and I think I'm within a percent  
7 or two and I just did the numbers real  
8 quickly. I looked at every -- all the hay we  
9 bought last year and all the purchased grain  
10 or total purchased feed last year and minerals  
11 and did a little math. And what I learned was  
12 that we averaged 32 percent for the year on  
13 365 days now of our forage came from pasture  
14 and that ranged from 0 to 65 percent. So  
15 that's what those numbers are showing us up  
16 there.

17           Last year, we sold or only sold 46  
18 pounds of milk per cow per day. We raised a  
19 lot of calves and the calves drink a lot of  
20 that milk, so we're short there. We had some  
21 low quality silage. Cull rates less than 25  
22 percent. Cull rate is just the cows that have

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1 to leave the herd that I don't want to leave  
2 the herd and they move -- we need to move on.

3 We're going to run out of time.

4 The next slide. Humboldt  
5 Creamery, we decided that we support the 120  
6 days pasture minimum. We support the 30  
7 percent dry matter intake and we would also  
8 support some sort of cows per acre parameter  
9 if that's what needs to be.

10 In simple terms, I would like to  
11 say that we support the rules and the efforts  
12 that have already been made. And, you know,  
13 the guidelines that were set forth last year  
14 in the March meeting in Washington, D.C. are  
15 totally adequate if we could just get the  
16 certifiers to, you know, use the nails and put  
17 them in there. And it's unfortunately that  
18 it's not happening.

19 Could we go forward? This is a  
20 picture of the Ferndale Valley. I would like  
21 to point that out. That's -- the dairy right  
22 in the center is the dairy that we graze cows

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1 on. My family has for over 80 years and  
2 that's our background. That was started by my  
3 great grandfather. I'm fourth generation. I  
4 own that place and run cows there and we're  
5 the first ones to do it organically. And  
6 we've been doing management intensive grazing  
7 there now for 15 years. And that's the key.

8 That's -- the key is we've got to  
9 manage our soils. To me, when we got into  
10 this organic and when I first learned about  
11 organics, it's all about the soils. It's  
12 mineralizing the soils. It's knowing your  
13 biology in the soils and it is working with  
14 the biology and it's doing things that support  
15 that biology and that life in the soil,  
16 because those are the little guys, the little  
17 armies out there working for us every day that  
18 are taking the nutrients to the plant to grow  
19 nutrient dense food, to grow -- to feed to our  
20 cows that make better cow health and that, you  
21 know, in turn makes better food for us, so  
22 that we have better human health.

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1           Let's jump through these slides  
2 real quick. Pasture and human health.  
3 There's all kinds of statistics. I have  
4 attached to the handout that I gave you the  
5 supporting data for why milk is better for you  
6 in terms of the CLA content, beta-carotene,  
7 which I haven't heard mentioned yet yesterday,  
8 vitamins A, B12, vitamins E, trans-vaccenic  
9 acid, the omega-3s, lutein and cows on grass  
10 are actually cleaner and probably freer from  
11 E. Coli and there is supporting data in there.

12           We're going to move on. We need  
13 to be in balance with nature. We need to be  
14 in balance with our environment and what we  
15 have done at our dairy is a lot of work with  
16 the wildlife. We've got 20,000 geese that we  
17 have been feeding for months and they eat a  
18 lot of feed. We've got one more slide I need  
19 to get through here.

20           My favorite saying of this whole  
21 talk consumers -- let's move on. The  
22 consumers, what rights do they really have

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1 here? Well, I came up with a thought when I  
2 was preparing this. The consumers have a  
3 right to get what they think they are getting.

4 I think I would sum it up with that. And  
5 it's up to us here, it's up to you folks, it's  
6 up to you folks over on the left from the NOP  
7 to enforce and to give the consumers, you  
8 know, the product that they want and the  
9 product that they think they are getting.

10 We have already done the marketing  
11 and we just need to support that and follow  
12 through with our rules and the enforcement of  
13 our rules and those nails that we use to hold  
14 their feet to the floor. And final here, I've  
15 got that slide there. It's kind of a little  
16 famous picture my son took a year ago last  
17 February. And that's an example of we can't  
18 get them to do everything right. Well, that's  
19 not a perfect pasture. It's full of weeds and  
20 I couldn't get them to eat those weeds no  
21 matter how hungry we got them.

22 But anyhow, that's just kind of a

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1 neat picture we end with. So thank you very  
2 much.

3 (Applause)

4 FACILITATOR ANDERSON: Thank you,  
5 Blake. Juan Velez.

6 MS. FRANCES: I just want to  
7 remind folks about the cards for asking  
8 questions. I passed out white cards today. I  
9 meant to mention this earlier. For dairy, for  
10 milk and just encourage you to submit your  
11 questions and answers and, you know, put your  
12 hand up and I'll come running. I enjoy doing  
13 it, so, please, ask your questions.

14 FACILITATOR ANDERSON: Juan is  
15 from Aurora Organic Dairy.

16 PANELIST VELEZ: Thank you. Good  
17 morning, I'm Juan Velez, not to be confused  
18 with my relative Juan Velez from Columbia, and  
19 I want to talk a little bit about the role of  
20 organic pasture in animal welfare. What  
21 creates animal welfare? We strongly believe  
22 that animal welfare is created by the holistic

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1 management of the entire dairy herd,  
2 especially across five key areas. Those key  
3 areas are the diet and the nutrition, overall  
4 cow comfort, the prevention of diseases, and  
5 the management skills in animal husbandry of  
6 the people interacting with the cows and that  
7 beneficial interaction of humans and animals,  
8 that over the entire year, 24/7, 365 days.

9 So a balanced nutrition is key not  
10 only during a period of time, but during the  
11 entire lactation and dry period of that cow.  
12 And a balanced nutrition, a very key factor on  
13 the balanced nutrition is the forage content  
14 of that diet and that forage can come from  
15 several sources, pasture being one of them,  
16 alfalfa hay, grass hay, silages, haylages,  
17 depending on the area of the country we can  
18 have a lot of variation.

19 But during those periods of time  
20 where the forage is not optimum, is not  
21 perfect, where the grass is not the most  
22 adequate, where we have to balance the total

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1 ration for that animal, according to the  
2 different stages of lactation, we have to  
3 balance it then for energy, protein, vitamins  
4 and minerals and again make sure that there is  
5 enough total fiber in the rations of the  
6 animal as a ruminant can function correctly.

7 It's also very important that we  
8 take into consideration the total dry matter  
9 intake of that animal. The diet could be well  
10 balanced, it could have a lot of grass or a  
11 lot of forage, but if the animal doesn't like  
12 it, if it's not palatable, if you change the  
13 moisture content too much, you will not  
14 provide it at the right time after milking,  
15 etcetera, she may not get enough of the dry  
16 matter.

17 So we look at this slide for a  
18 little while. This is just a recent review of  
19 the literature by Jesse Goff, Dr. Jesse Goff  
20 from the USDA Animal Disease Center in Ames,  
21 Iowa. Very, very nice slide of the review of  
22 how complicated animal nutrition, especially

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1 dairy nutrition has become. Now, we have  
2 asked that cow to do a lot of things that we  
3 didn't ask before. The minute that we  
4 domesticated that cow and took that calf away  
5 from her and started milking her, we changed  
6 the whole aspect of how she uses nutrients.

7 So if we look at the increase in  
8 the dry matter intake, especially around  
9 calving, it could create a whole cascade of  
10 events that jeopardize the well-being of that  
11 animal. You know, positive energy balance is  
12 going to decrease. A negative energy balance  
13 is going to decrease the immune system, is  
14 going to lead to mastitis, mastitis is going  
15 to decrease dry matter intake even farther.

16 If we have a lame cow, it's going  
17 to eat less, so the interrelationship between  
18 all these factors and these balanced nutrients  
19 is huge if we want to really think about the  
20 well-being of the animal during 365 days a  
21 year, not during a short period of time.

22 So I want to talk about, you know,

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1 how can we measure animal welfare? How  
2 measurable is animal welfare? How can we  
3 quantify that, especially for area that have  
4 been very well documented and have been  
5 proposed to be key factors in animal welfare,  
6 especially by, you know, Dr. Temple Grandin,  
7 body condition score being one of them,  
8 locomotion score from a scale of 1 to 5, 1  
9 being normal and 5 being a cow that cannot  
10 even walk at all.

11 The cow comfort looking at the  
12 facilities especially we talked about  
13 yesterday the way that the cow budget their  
14 time during the day as providing the  
15 environment for that cow to lay down and chew  
16 her cud, ruminate so that she feels  
17 comfortable so that we can accommodate also  
18 according to the climate. You know, we're in  
19 the middle of August in Texas or in the middle  
20 of February in Canada, we got to help that cow  
21 be comfortable, so that she can perform those  
22 functions that we were talking about

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1 yesterday.

2 And, of course, somatic cell  
3 count. So measures of animal welfare are  
4 quantifiable and they can lead to very clear  
5 enforceable organic production standards.  
6 Aurora Organic Dairy relies on third-party  
7 independent audits of animal welfare  
8 measurements for our farms and these are done  
9 by USDA process verified auditors and ISO  
10 approved auditors as well.

11 Aurora Organic Dairy supports  
12 similar metrics and audits for the NOP animal  
13 welfare standards across the entire year. How  
14 is this done? Create a list of parameters  
15 that we believe are very important on -- to  
16 measure animal welfare across the board. And  
17 the producer could receive numerical scores in  
18 every of these key areas and uses those  
19 results to monitor ongoing audits and improve  
20 the operation and the animal well-being.

21 The NOP should conduct similar  
22 fact-based audits of animal welfare to ensure

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1 certifiability, verification of ongoing  
2 compliance and the enforceability of those  
3 rules. Obviously, we have heard yesterday, we  
4 have heard today, I agree 100 percent that  
5 pasture is one of the many important elements  
6 contributing to animal welfare and it should  
7 be taken into account that a federal  
8 production standard must accommodate that  
9 viability between farms, geography, climate  
10 and also the variability in the pasture and  
11 the pasture composition and the quality. A  
12 lot of talk about that yesterday. The  
13 variation is humongous across -- even across  
14 different pastures on the same farm.

15 So the organic -- the role of the  
16 Organic System Plan is unique to each organic  
17 operation. We know that there is a need for  
18 critical -- the need for those critical  
19 decisions about pasture and animal welfare  
20 need to be made at the farm level by the farm  
21 man and the certifier with the Organic System  
22 Plan specifically for that farm.

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1           So pasture, obviously, helps  
2       create good animal welfare as one part of the  
3       entire Holistic Management Plan. Pasture must  
4       be managed for a long- term sustainability in  
5       each geography and climate. In summary, I  
6       want to say that Aurora Organic Dairy supports  
7       an NOP pasture rule in which animal welfare is  
8       the highest priority. Measurable indicators  
9       are needed to improve verification,  
10      enforceability and ensure continual  
11      improvement on animal welfare during 365 days  
12      a year.

13           What consumers expect is to know  
14      that organic operations raise our animal with  
15      high standards of animal care and welfare with  
16      pasture being one of the several contributors.

17      In my opinion, that's what really will  
18      separate us from -- one other issue that will  
19      completely separate us from conventional is  
20      making sure that we got certification that are  
21      animals are well being taken care of during  
22      365 days a year.

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1                   And muchos gracias. I'm very,  
2 very, very proud to have been invited to this  
3 symposium. I think it is the beginning of a  
4 very scientific future for organic  
5 agriculture. Thank you.

6                   (Applause)

7                   FACILITATOR     ANDERSON:           Juan,  
8 you're in Colorado, correct? Kathie Arnold  
9 from H. P. Hood and New York State.

10                  PANELIST ARNOLD: Hello. First, I  
11 would just like to say thank you to Barbara  
12 and Mark and all of the NOP staff for issuing  
13 the ANPR and for all the work that that  
14 entails and for putting on this wonderful  
15 symposium, because I know it's a tremendous  
16 amount of work and it's just very gratifying  
17 to know that with the ANPR out there, that  
18 that is a concrete step to move us to rule  
19 change relative to pastures. So thank you  
20 very much.

21                  And before I start to actually  
22 talk about our own operation in central New

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1 York about just a little over four hours  
2 northeast of here, I want to address some of  
3 the questions that were floating around  
4 yesterday that didn't really seem to be fully  
5 answered and I'll just attempt to answer them  
6 in the way I can.

7 One is the question about this  
8 call for scientific evidence regarding  
9 pasture. We must remember that the National  
10 Organic Program is not under the wing of the  
11 National Academy of Sciences. It's under the  
12 auspices of the Agricultural Marketing  
13 Services. It's not a science-based program,  
14 although many of the standards do indeed have  
15 scientific validity, but it's a marketing  
16 program. And to be a savvy marketing program,  
17 we need to be listening to the wants and  
18 desires of our consumers.

19 Yesterday, George Kuepper's chart  
20 that he had listing what organic consumers  
21 want showed that rated above environmental  
22 concerns was helpfulness at an 80 percent

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1 rating. With pasture-based organic milk  
2 products consumers will be getting a more  
3 helpful nutritious product.

4 And in terms of H. P. Hood and the  
5 Stonyfield milk, there is an 800 number on the  
6 side of the carton and just so far in 2006, 50  
7 of the calls that they have received have had  
8 questions or something, comments relative to  
9 pasture or grass fed.

10 And then I also do want to  
11 highlight the two nationally representative  
12 and independent surveys that just were  
13 reported on last week. A survey of 1,011 U.S.  
14 adults commissioned by the Center for Food  
15 Safety found that 6 out of 10 women who buy  
16 organic milk and 5 out of 10 of all organic  
17 milk purchasers would no longer do so if they  
18 knew that many organic cows were confined to  
19 fenced in feed lots and did not graze on  
20 pasture for most of their lives.

21 Second, more than two-thirds of  
22 all consumers and 75 percent of women in the

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1 Consumers' Union survey, of 1,485 U.S. online  
2 adults, said that the national organic  
3 standards should require that animals graze  
4 outdoors. And lastly, when asked specifically  
5 in the Consumers' Union survey if they would  
6 still pay a premium price for organic milk  
7 that came from cows that were confined indoors  
8 and did not graze, 60 percent said they would  
9 not.

10 There was a reference yesterday to  
11 milk urea nitrogen levels being too high in  
12 pastured cows and we have tested for that  
13 before and our nutritionist found that that  
14 was not a case in our herd, even though we use  
15 large amounts of pasture in our herds' diet.  
16 And it has to be remembered that with the  
17 minimum 30 percent requirement, that still  
18 allows up to 70 percent feeding of forages and  
19 grains other than pasture. If someone can't  
20 balance a ration with that kind of allowance  
21 for other supplemental feeds, then apparently  
22 they don't have the experience and knowledge

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1 of how to do it, because it is being done time  
2 and time again all across the U.S. with  
3 healthy cows and over one year after another.

4 A question kept popping up  
5 yesterday about what about the other 245 days?

6 The suggested requirement for 120 days, like  
7 Jon said, it's a minimum. The NOSB's  
8 recommended guidance on pasture stated that  
9 the 30 percent dry matter intake be for the  
10 growing season, but not less than 120 days.  
11 Our cows on our farm are on pasture for a  
12 minimum of 180 days and often up to 200 or 210  
13 days a year.

14 The question of geographic  
15 variation came up and whether these minimums  
16 are achievable around the country. I would  
17 like to read this statement from David and  
18 Kayla Roberts from Preston, Idaho. "We are  
19 strongly in favor of maximizing the time and  
20 nutrition that organic cows get on pasture.  
21 Grazing is integral to organic and not just an  
22 optional management practice to be implemented

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1 when there are favorable conditions.

2 My family and I milk about 170  
3 dairy cows, 200 including dry cows, in  
4 southeastern Idaho. Since 1992, our milking  
5 cows, dry cows and replacement heifers have  
6 been rotationally grazed on, approximately,  
7 300 acres of pasture. In a typical year, we  
8 are able to graze our milking herd from mid-  
9 April through the first part of November.  
10 Other than a two week transition at the  
11 beginning and ending of our pasture season  
12 when we feed some dry hay, our cows receive  
13 100 percent of their forage from pastures  
14 during the growing season.

15 Before we started pasturing our  
16 cows in 1992, they were confined in a free  
17 stall facility year round. Our cows are  
18 healthier and live much longer than our cows  
19 did in confinement. We believe there is  
20 enough of an advantage for our cows that we  
21 take extra measures to let them access pasture  
22 for as much of their lives as we can.

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1           For example, during the growing  
2 season, we milk cows in two separate milk  
3 barns so we can have enough pasture for every  
4 cow for the entire season. This is  
5 inefficient from the labor and facility  
6 standpoint, but the benefit to the cows makes  
7 it worth it for us. Also, our cows per acre  
8 ratio is intentionally designed so that all of  
9 our cows are able to meet their forage needs  
10 during the slowest grass growing times of the  
11 year.

12           We harvest excess grass during the  
13 other times. This allows us to have the cows  
14 on grass for more days each year. We  
15 definitely believe our area of the country is  
16 a great place to pasture cows, even though  
17 large confinement operations are multiplying  
18 rapidly. We also believe that the confusion  
19 and lack of clarity about access to pasture  
20 had a big opportunity cost for our family  
21 dairy. Only recently were we able to secure a  
22 market for organic milk for our dairy after

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1 seeking a market for several years.

2 Lacking the capital to create our  
3 own market, we were patient, but often  
4 frustrated hearing about growing demand for  
5 organic milk being filled in part by some cows  
6 without real access to pasture. We believe  
7 that specific requirements for pasturing  
8 organic dairy cows may prevent the situation  
9 from happening to others." And again, David  
10 and Kayla Roberts, Preston, Idaho.

11 As to the question of whether  
12 there does need to be more specificity  
13 concerning pasture in the rule, absolutely.  
14 The fact that there are now herds of organic  
15 cows who do not graze routinely during the  
16 growing season shows that the current rule  
17 wording is inadequate. But 120 days is not  
18 enough. Stocking rate is very variable and  
19 difficult to use. It's variable from season  
20 to season, from spring to fall, from farm to  
21 farm and even within a farm.

22 I know on our own farm we have

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1 some land we can get twice as much yield as  
2 our poorest land. The only means that seems  
3 to me that would work across the board to  
4 provide a base level is minimum dry matter  
5 intake. As to our own farm, we had two years  
6 of confinement in the early '90s and, at that  
7 point, we were at a 22,000 pound herd average.

8 We went to management intensive grazing and  
9 the four year average we had changed to that  
10 production system, we were still at 22,000.  
11 So there's no means that grazing is going to  
12 reduce your production.

13 So I had more about my own  
14 specific farm, but I thank you very much for  
15 your time.

16 (Applause)

17 FACILITATOR ANDERSON: Thank you,  
18 Kathie.

19 PANELIST ARNOLD: You're welcome.

20 FACILITATOR ANDERSON: Now, I'll  
21 call on Roman Stoltzfoos, Natural by Nature,  
22 Pennsylvania Farming.

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1                   PANELIST       STOLTZFOOS:           Good  
2 morning. I thank you for inviting me and I  
3 would like to speak on behalf of Natural by  
4 Nature, which gets their milk supply from  
5 Lancaster Organic Farmers Co-op, of which I'm  
6 a member. For myself, we milk 140 cows, my  
7 wife and I, and there's 10 children still at  
8 home, so we have a pretty good labor supply.  
9 We keep and feed 80 heifers and do 8,000  
10 organic turkeys and some laying hens.  
11 Everything on the farm is organic.

12                   There is 400 plus acres in the  
13 operation. It's definitely a family farm.  
14 When we started doing organic milk in 1995,  
15 the price was \$17 we were getting paid and the  
16 regular milk price was \$13 to \$14.50, in that  
17 neighborhood. So you can see the advantage  
18 that we enjoy today over the regular milk  
19 price is, I believe, because of the perception  
20 that the consumer has about organic milk being  
21 grass fed.

22                   And we have a motto on our farm

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1 that goes something like this. You give the  
2 consumer what they want and they will give you  
3 what you want and that's a fair price for the  
4 product. And in our co-op discussion my  
5 recent price for organic milk was over \$31,  
6 that's all inclusive, and even at that, you  
7 know, costs have gone up dramatically in the  
8 last few years, so we are just slightly better  
9 than we were back in 1995 with milk at \$17 or  
10 \$18.

11 But we believe that the organic  
12 milk got that way because it was very much in  
13 opposition to the conventional supply which  
14 had cows on confinement. They were fed all  
15 diets and stored feed and other things that a  
16 lot of consumers did not trust and I'm  
17 concerned that we keep the image that grazing  
18 has earned and organic has earned through  
19 requiring grazing and I really believe that  
20 the 30 percent dry matter and the 120 days is  
21 maybe not perfect, but it is somewhere we can  
22 start and it's easily doable.

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1           Our cows are on pasture over 340  
2 days a year. I mean, there is only a few days  
3 that they are in and then about two months we  
4 keep them in at night. Most times the gate is  
5 open, they can come in, and you would be  
6 surprised at what kind of weather it takes to  
7 keep them in. I mean, if the gate is open,  
8 they will generally go out sometime during the  
9 day, almost no matter what the weather is.

10           So and what was said about cull  
11 rates and the science needed, I feel like how  
12 many farmers are good science? I mean, there  
13 is 500 plus farmers in America that have seen  
14 the benefits of organic milk. My veterinarian  
15 is sitting here on the NOSB, Hugh Karreman,  
16 and he could testify that making a living on  
17 cows fed grass is tough, because they are not  
18 sick enough to keep a veterinarian busy.

19           (Applause)

20           PANELIST STOLTZFOOS: So all the  
21 hoopla about animal welfare is that much if  
22 you graze your cows. It depends on what you

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1 need. If you've got them out in pasture, what  
2 better welfare could you offer your cows? If  
3 that's where they want to be and that's what  
4 they do naturally, I can't imagine how you  
5 could improve on that, but I do know that  
6 Whole Foods and some of the larger retailers  
7 are now requiring something that organic  
8 hasn't asked for.

9 I mean, they want to know exactly  
10 what is being done and how it is being done.  
11 And I'm selling some turkeys to them to this  
12 coming year and you would be interested to  
13 hear some of the questions they ask about  
14 that. And I think it's coming for dairy, too,  
15 so we can stay ahead of them if we keep doing  
16 what we were doing and apply it consistently.

17 And that's my message. I thank the NOP for  
18 considering this.

19 (Applause)

20 FACILITATOR ANDERSON: Thank you,  
21 Roman. Albert Straus, Straus Family Creamery.

22 PANELIST STRAUS: Thank you. I

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1 just want to talk first, I'm from Marshall,  
2 California, which is on the west coast on  
3 Highway 1 above San Francisco. I just want to  
4 give you a little bit of history. We have --  
5 my father started the farm in 1941. We were  
6 the first -- I transitioned the dairy to  
7 organic in 1993 and we were the first  
8 certified organic dairy and creamery in the  
9 western United States.

10 I feel dwarfed by all the -- my  
11 competition. I'm the smallest company  
12 represented here. We have three dairies that  
13 supply us our own, plus two others, and so  
14 compared to the 500 plus dairies and what most  
15 of these other people do, and we are 100  
16 percent organic.

17 We do have tours of our dairy  
18 throughout the spring and summer and fall and  
19 we have done that probably for 20 or 25 years  
20 and we have been very environmentally active  
21 to preserve farming in our county. My mother  
22 started the first Agricultural Land Trust in

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1 the nation and we preserved about 40,000 acres  
2 in perpetuity, they will say in agriculture.  
3 Now, we're working on keeping it in productive  
4 agriculture and we're having a lot of interest  
5 in going organic, and so I think it's a  
6 hopeful time.

7 So anyway, I want to go into my  
8 prepared text. I wanted to thank all the NOSB  
9 and the NOP for their hard work on this issue  
10 and I appreciate my ability to voice my  
11 comments on the issue. I'm an organic dairy  
12 farmer on the north coast of California. Our  
13 farm became certified -- some repetitive. We  
14 became certified organic in 1993 and we began  
15 processing organic dairy products from the  
16 farm in 1994. We have, approximately, 300  
17 cows on ~~60~~ 660 acres.

18 We agree that pasture is an  
19 important aspect of dairy nutrition and that  
20 dairy animals should have regular access to  
21 nutritional pasture and the outdoors,  
22 including pasture land that is not productive.

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1       We feel that pasture is not only a  
2       nutritional source, but also important for  
3       sunlight and exercise in reducing stress in  
4       dairy cows.

5               Even though our farms are green  
6       until summer, early summer, our cows have  
7       access to them year round, except after heavy  
8       rains and when it would cause erosion of the  
9       soil. We support the use of the National  
10       Resources Conservation Service conservation  
11       practice standards for prescribing grazing for  
12       proper conservation methods.

13              Our main concern is in the regards  
14       of the text in the NOSB guidance for  
15       interpretation of 205.239(a), Organic System  
16       Plan. The Organic System Plan shall have the  
17       goal of providing grazing feed greater than 30  
18       percent dry matter intake on a daily basis  
19       during the growing season, but not less than  
20       120 days. We are concerned that these  
21       suggested guidelines for dry matter have not  
22       come from on-farmed research, from the very

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1 regions across the country.

2 For example, on our farm, our area  
3 gets, approximately, three to four months of  
4 productive pasture each year. The pasture  
5 builds, peaks and then drops off by June. We  
6 do not irrigate and could not if we wanted to,  
7 as our water supply could not sustain it.  
8 NOSB suggested dry matter requirements bring  
9 up issues that which must be considered:

10 1) The amount of suggested dry  
11 matter figures are hard to obtain and verify.

12 Different grasses have varied amounts of  
13 moisture. Different fields will contain  
14 different grasses and different moisture  
15 levels, often changing daily with the weather.

16 The amount of rain in each region also  
17 affects the amount of grass available. Dry  
18 matter contained in each variation is  
19 difficult to verify. Suggested calculations  
20 on stored feed use per year may not accurate  
21 convey dry matter values in pasture.

22 2) The suggested amounts are not

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1 based on actual nutritional realities or needs  
2 of the animal. We need to base these  
3 guidelines from on-farm research and real  
4 numbers, rather than arbitrate figures based  
5 on a single region. We suggest we work on  
6 research together with farmers and bovine  
7 nutritionists.

8 3) Be careful that requirements  
9 are not counterproductive. The only way to  
10 meet pasture requirements in some regions is  
11 to irrigate. We would then be supporting an  
12 unsustainable system that overuses a limited  
13 water resource. We should be careful not to  
14 defeat the purpose of having a sustainable  
15 agricultural system.

16 To be able to verify that pasture  
17 is a significant part of an organic cows diet,  
18 I am suggesting the following: I would have a  
19 license or practicing nutritionist balance a  
20 rationale for each dairy by groups of cows.  
21 We can verify the quantities of feed by  
22 requiring an inventory of those feeds grown on

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1 the farm and by those purchased off-farm. In  
2 this way, a certifier can verify the amount of  
3 pasture that the cows are eating. A certifier  
4 will need to determine what a significant  
5 amount of pasture is by region.

6 It is my opinion that a system of  
7 feed and pasture accounting will create a  
8 workable system. We appreciate the move to  
9 clarify the guidelines of pasture and believe  
10 this is a positive step. We should just be  
11 careful to work logically and not emotionally  
12 to create regulations that make sense. Thank  
13 you.

14 (Applause)

15 FACILITATOR ANDERSON: Thank you,  
16 Albert. Ed Zimba, Horizon Organic Dairy.

17 PANELIST ZIMBA: Thank you. My  
18 name is Ed Zimba and I am an organic dairy and  
19 cash crop farmer. And my pasture acres of --  
20 even on being a cash crop farmer as my most  
21 profitable acres that we farm on our farm and  
22 I also would like to express my appreciation

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1 to the NOSB Board for the time and volunteer  
2 time that you guys put on an effort to  
3 sacrifice to obtain high integrity levels of  
4 this organic industry.

5 I also would like to thank the NOP  
6 and the USDA for giving us the opportunity  
7 here to come. I would like to thank Horizon  
8 Organic for putting me on this board. I  
9 appreciate that very much.

10 I've been farming for 25 years. I  
11 got 25 years experience in applied research,  
12 which is better than any Government, college  
13 or scientific research that I come -- I come  
14 from the school of common sense and hard  
15 knocks. Obviously, I'm nervous here. I would  
16 like to say thank you, too, for all the panels  
17 yesterday. I thought they were very good and  
18 they support what we farmers have always been  
19 saying and all the colleges are coming to us  
20 and asking us for information on how to farm  
21 organic and do this thing right.

22 I heard averages 21,800 pounds.

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1 We done it the other way. Another way don't  
2 work. We done it both ways and I think the  
3 thing that's missing in this doctrine has  
4 never been asked is we got almost twice the  
5 age life out of our cows, since we went to  
6 grazing and doing everything right. And  
7 that's what the consumers are asking for.

8 I want to -- like I said, I  
9 appreciate the document and I kind of want to  
10 bring the Board up to-- the new NOSB Board  
11 Members up to date here and I also feel the  
12 document gives the impression that what would  
13 happen if we required pasture? And then some  
14 of the questions -- some of the answers, you  
15 know, even out of the Board yesterday said  
16 well, what do we do here if we allow these  
17 farmers to graze?

18 The definition of pasture in the  
19 Western Dictionary it says "Grass, it's  
20 pasture grass or other growing plants used as  
21 food by grazing animals. Ground suitable for  
22 grazing set aside for this. Pasture, put

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1 cattle to graze on pasture; to graze on grass;  
2 to provide with pasture; to feed on growing  
3 grass."

4           There has been -- we have been --  
5 that's what we've done our whole life. This  
6 is what the organic thing has been all about  
7 and now we're sitting here like we're starting  
8 all over from ground zero. We're not starting  
9 over from ground zero. We've been doing this  
10 and this is how this whole thing started and  
11 that's what the organic consumers want. In  
12 one of your regulations Section 205.237, "The  
13 producers of organic livestock operation must  
14 provide livestock with a total feed ratio  
15 composed of agricultural products, including  
16 pasture."

17           Section 205.238, "The producer  
18 must establish and maintain the livestock  
19 health care practice, including establishment  
20 of appropriate housing pasture conditions."

21           Section 205.239, "The producer of  
22 organic livestock operation must establish and

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1 maintain livestock living condition which  
2 accommodate the health and natural behavior of  
3 animal, including access to the outdoors and  
4 access to pasture."

5 Section 205.2, "Land use for  
6 livestock grazing that has managed to provide  
7 feed value maintain improved soil." It says  
8 "livestock grazing." This is what it's all  
9 about, guys, women, everything.

10 Okay. Now, to the document.

11 (Applause)

12 PANELIST ZIMBA: To the document,  
13 are these markets based on other types of  
14 research to sustain an exception of consumers  
15 that organic milk comes from dairy cows raised  
16 on pasture. Look at all the milk cartons out  
17 there. The consumers that's what they want  
18 and that's what we got to keep giving to them.

19 And it's sad that we have -- we got a good --  
20 we got a lot of good apples in this whole  
21 organic industry, but then we get one or two  
22 or whatever it is, we got some bad apples.

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1           And it's very disheartening to all  
2 of us, all of my colleagues here, organic  
3 dairy farmers, family farms and out there and  
4 you got -- and there's these companies out  
5 there that are not grazing, and they take us,  
6 they take what we stand for and they put their  
7 -- our picture on their farms and sell their  
8 milk.

9           If they want to do that, then they  
10 should say well, let's let them put their own  
11 picture of their farm on their cartons and  
12 let's say almost organic. Because the rules  
13 have always been there for pasture and the  
14 NOSB has always for the last I don't know how  
15 many years has been telling the NOP get the  
16 job done. It ain't getting done. I  
17 appreciate what you guys are doing. Don't get  
18 me wrong. And I appreciate you new on the  
19 Board and I feel you are going to get it done.

20           And we need you guys to get it  
21 done, because we are here --

22           (Applause)

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1 PANELIST ZIMBA: -- and every year  
2 we come here, but it ain't getting enforced.  
3 And if it would have been enforced from the  
4 beginning and done right, we wouldn't be here.

5 So now, we're here. Now, we are here and  
6 we're trying to -- it's like my colleague and  
7 friend, Jim Gardiner, and the rest of my  
8 colleagues out here, we are here and now we've  
9 got to put speed limit signs up for going down  
10 the road, because there's some bad apples in  
11 this whole bunch, and we got to tell them,  
12 okay, here is the speed limit sign. We can  
13 only go so fast.

14 Okay. So now, we're sitting here  
15 trying to say okay, well, the cows can only  
16 get this much grass, so many cows per acre,  
17 yada de yada da. And then there was questions  
18 from the Board yesterday, well, what are you  
19 going to do about the consumers if you only  
20 tell them you're giving 30 percent dry matter  
21 intake? If the law was done right and  
22 everybody abide by it and the integrity level,

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1 we wouldn't be here. So we can go through all  
2 of this again and we can do all of this again,  
3 but if we don't get no action out of it, we're  
4 all in the same boat again.

5 Back to the document. Is this  
6 achieve -- is the 30 percent an achievable  
7 goal, they are asking. I'm going to read from  
8 Dr. Marguerita B. Cattell, D.V.M., and a Dr.  
9 Adren J. Nelson, D.V.M., from Windsor,  
10 Colorado. We run a 500 organic dairy in an  
11 area high plain just east of the Rocky  
12 Mountains halfway between the Denver, Colorado  
13 and Wyoming border. Our cows graze irrigated  
14 pastures, 750 acre adjustment to our farm at a  
15 second dairy facility, which release plants  
16 and fenced to meet organic certification  
17 requirements. We have always believed that  
18 the NOP has an enforceable pasture rule and we  
19 believe in the following rules in all that we  
20 do.

21 All of the acres are flood  
22 irrigation and all are in pasture. Without

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1     irrigation, pasture would be productive for  
2     short times each spring.     Our cows graze  
3     between April 15<sup>th</sup> and October 15<sup>th</sup> each year.

4     Mid-1995, NOSB suggested pasture consumption  
5     of 30 percent dry matter intake for four  
6     months has been our minimum goal.     This is  
7     very -- in our location we believe anywhere in  
8     the country that grows dairy cattle and feed.

9             During in the low rain fall area  
10    that we do -- and low fire that we do, there's  
11    no excuse for not having pasture.     If you can  
12    grow -- if you can grow crops such as  
13    vegetables, sugar, beets, beans, sweet corn,  
14    grain, alfalfa, you can grow pastures.  
15    Colorado farmers grow all these and more in  
16    excellent soil, excellent altitude and  
17    excellent -- in the front range area of  
18    Colorado.     All that is needed is good  
19    management.     Water can grow anything one  
20    desires to put in pasture.

21            As dairy health and nutrition --  
22    there are also dairy health and nutrition

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1 consultants. We have worked around the  
2 country to provide the service to dairy  
3 producers of all sizes currently from 50 cows  
4 to 3,000. It is our intention that any state  
5 in the union with the facility selected design  
6 and managed to meet the organic requirement  
7 can graze to minimum standard. The facility  
8 must be designed to meet the rule not vice-  
9 versa.

10 What also is missing in this  
11 document is also the pasture -- cows life is  
12 considered. We get-- if you are grazing, your  
13 cows live almost twice as long than anything  
14 else. And to finish up, pasture truly is the  
15 cornerstone of organic dairy farming. And my  
16 Heavenly Father is the cornerstone of my life  
17 and I thank you guys very much.

18 (Applause)

19 FACILITATOR ANDERSON: That gets  
20 the speed presentation award. Thank you, Ed.

21 What we didn't say is Ed's farm is in  
22 Michigan as well. So I want to point out that

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1 on this panel, we have Michigan, Oregon, New  
2 York, Colorado, Pennsylvania, California and  
3 Idaho represented, so we have a cross section  
4 of the country here today.

5 (Applause)

6 FACILITATOR ANDERSON: And I would  
7 like to open this up to questions of the NOSB.  
8 Joe?

9 MEMBER SMILLIE: I'm a newcomer on  
10 the NOSB and I'm not on the Livestock  
11 Committee, so I'm not totally up to speed on  
12 all the issues, but I have heard very clearly  
13 and in my own mind there is very little debate  
14 about the need for -- what? Oh, I'm sorry.  
15 Joe Smillie, NOSB.

16 I've heard very clearly the need  
17 for specificity in pasture regulations and as  
18 a certifier, specificity is very necessary for  
19 us. The nails argument is a tough one. You  
20 have to make sure you've got a good swing and  
21 a good hammer and make sure you put the nail  
22 in the right place, because if you put it in

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1 the wrong place, it can hurt people.

2 And I hate to single you out,  
3 Albert, but I really have to ask the question.

4 If we adopted what's currently the proposal  
5 in front of us, the ANPR of the 30 percent and  
6 the 120 days, would you still be able to stay  
7 in business with the farm that you are  
8 currently operating or what changes would you  
9 -- could you be able to make to be in  
10 compliance if that became the regulation?

11 PANELIST STRAUS: You want to put  
12 up that spreadsheet?

13 MEMBER SMILLIE: Yes.

14 PANELIST STRAUS: Well, I want to  
15 address one thing. I have by now, thousands  
16 of people, consumers that we have tours and we  
17 tell them exactly what we do. They are there  
18 when it's dry, when it's wet. Our sales have  
19 gone 15-fold since I started. And so I debate  
20 that consumers know that 30 percent or they  
21 want to have that you are doing a humane  
22 treatment of animals. I have more questions

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1 on what happens to bull calves, what happens  
2 to the cows when they are not milking any more  
3 and how we treat the animals, then how much  
4 they are getting off their pasture.

5 I don't want to belittle pasture  
6 as an integral part of organic operation. I  
7 think 30 percent -- when I was asked this  
8 before, I kind of put thoughts to it and tried  
9 to figure out how much dry matter our cows  
10 take in. We have two production herds, a high  
11 string, a low string. The high string takes  
12 in 51 pounds of dry matter a day. I have -- I  
13 can document that daily. Actually, I can go  
14 on the computer right now and see what the  
15 cows are eating on a balanced diet.

16 What I've done is to see how many  
17 days I can do. It would be pushing it, it  
18 would be really pushing it and, especially  
19 like this year, we have had an extra almost,  
20 well, at least 45 or 50 days. We had the  
21 wettest March on record. Two years ago we had  
22 a very hot spell that dried everything up

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1 early. I doubt if we're going to even get the  
2 four months of pasture this year, productive  
3 pasture.

4 They will be out until November  
5 until it rains, but to get this, 30 percent is  
6 not going to be feasible in our area. We do  
7 not have water to irrigate like all these  
8 other people do or summer rains. We do not  
9 have that. We're on the coast in California.

10 It's a different climate. And, I mean, even  
11 compared to Blake. Does that answer you?

12 MEMBER SMILLIE: Yes.

13 FACILITATOR ANDERSON: Gerald?

14 MEMBER DAVIS: Gerald Davis, NOSB.

15 Mr. Straus, I'm from California and I follow  
16 the weather exhaustively in the line of work  
17 that I work in, in farming. In your location,  
18 it seems to me that you would typically have a  
19 four month period, minimum, of rain fall in  
20 pasture, green pasture that would be green.  
21 Is that not true?

22 PANELIST STRAUS: Rains are from

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1 November until usually end of February, middle  
2 to end of February where it is dry enough to  
3 get on pasture. Right now, we can't put them  
4 out at all. We just -- maybe if it stays dry  
5 for a few more days, we'll be able to put them  
6 out in pasture without destroying the pasture.

7 MEMBER DAVIS: So you're saying  
8 but sometimes you can't put them out on  
9 pasture, because it's too wet when the rains  
10 do come? Is that correct?

11 PANELIST STRAUS: Normal years, it  
12 dries up in March. We might have a few  
13 showers through March and April, but these  
14 haven't been typical years. It has been  
15 either wet, too wet or too dry. But normal,  
16 in our area, we have pasture usually from  
17 sometime in February, sometimes beginning  
18 March until into June, that's it.

19 MEMBER DAVIS: So what you are  
20 saying is that some years a 120 day period  
21 with that amount of dry matter intake would be  
22 feasible in the drought years? Where the

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1 rains are a shorter period or too much rain  
2 like this year, you might have some difficulty  
3 from --

4 PANELIST STRAUS: I'm saying we  
5 have about 120 days optimum of pasture. It's  
6 not -- and if we optimize it totally and it  
7 was a very optimum year, we might be able to  
8 make the 30 percent. It's not a minimum, you  
9 know. And, you know, my concern is where this  
10 figure comes from. It's not -- I'm doing it -  
11 - I'm not driven by market conditions. I'm  
12 driven by best management practices on our  
13 farm.

14 What I have heard everybody saying  
15 is this is coming from consumers. Consumers  
16 have never stated this to me and, you know, I  
17 have big problems with -- it's more driven  
18 that it seems to be regional preference and  
19 not trying to support the industry.

20 MEMBER DAVIS: Thank you.

21 MEMBER MOYER: Jeff Moyer, NOSB.  
22 My question is for Juan. Juan, you seemed to

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1 be, like Albert just was, shifting the  
2 discussion a little bit away from pasture and  
3 more towards animal welfare, specifically  
4 aside from pasture. And I was just wondering  
5 on your particular farm how much pasture do  
6 your animals get and then if you could follow-  
7 up with some other answers on what's the  
8 average age of your cows, how many lactations  
9 do you get out of them and what's your cull  
10 rate on your particular herd?

11 PANELIST VELEZ: Thank you for the  
12 question. The shifting towards animal  
13 welfare, in my opinion, is very critical  
14 because I think we tie it in with consumer  
15 perception of how well we take care of our  
16 animals as a holistic system not only during  
17 the time of their grazing. Also, because  
18 there was a lot of comparisons yesterday about  
19 how much better the animals in grass are.  
20 Nobody argues that animal grazing has better  
21 chance of having better well-being during the  
22 time that they are grazing.

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1           And comparisons were being done  
2 between inside, indoors, poor ventilation  
3 confinements versus operations with loose  
4 housing, where the animal has got access to  
5 exercise, sunlight, grooming and social  
6 interaction. So the comparisons are very,  
7 very specific to two completely extreme  
8 systems of management. I bring up the animal  
9 welfare issue, because I think that needs to  
10 be considered on 365 days a year.

11           I think that it was brought up  
12 yesterday that very well-managed grazing  
13 operations, obviously, like the ones that we  
14 have represented here have outstanding animal  
15 welfare. There's no question about it. But  
16 there is many, many others out there that we  
17 know of, that everybody knows of that graze  
18 120 days, maybe 50 percent dry matter intake,  
19 but also take terrible care of their animal  
20 during the wintertime, because they don't have  
21 the facilities they should, etcetera,  
22 etcetera.

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1           So my point is as a holistic  
2 system animal welfare becomes a better point  
3 for the organic industry, a better message to  
4 deliver to the consumer as a holistic system.

5       I think that what Albert has brought out of  
6 his -- the people that he brings on his farm  
7 to tour, the question that they ask is the  
8 same questions that we have asked. And it may  
9 be a very regional thing where the people are  
10 -- the tourists are more concerned about other  
11 aspects. How do you breed your cows? What do  
12 you do with the newborn babies? Where is the  
13 bull calves going, etcetera, etcetera.

14           The specific questions about the  
15 farms, how many acres? Depending on the stage  
16 of lactation and depending on the farm, we're  
17 talking a lot of difference between our Texas  
18 location, our Colorado location as far as  
19 number of animals that graze per year. During  
20 the entire lactation cycle, all of our animals  
21 do grazing. I believe that is the  
22 documentation on the benefits of grazing

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1 during the dry period and prior to part/region  
2 are very, very well-documented.

3 Not only on the grazing aspect,  
4 but on the exercise, because of the beautiful  
5 work done in Michigan done by Dr. Dave Biddy  
6 where he shows that the cow that exercise more  
7 during the dry period have much better  
8 metabolic problems at calving. And we believe  
9 very strongly on that. During the entire  
10 cycle all our cows have access to pasture.

11 MEMBER MOYER: Are you saying then  
12 that while your cows are being milked, they  
13 are not on pasture, but when they are dry,  
14 they are on pasture?

15 PANELIST VELEZ: Oh, absolutely  
16 all of them when they are dry are on pasture.  
17 And many, many of our milking herds are on  
18 pasture. Not all of them, many of them are.

19 MEMBER MOYER: And can you also  
20 tell us about your cull rate and your  
21 lactation periods? How many lactations do you  
22 get out of a cow? What's your average age of

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1 your cow? And what are your cull rates?

2 PANELIST VELEZ: There is many  
3 aspects to take into consideration on the cull  
4 rate and one of them is how young the whole  
5 herd is. When do you start your herd? What  
6 are you bringing in as your start up animal?  
7 Do you raise all your replacements or you  
8 bought some replacements? That whole thing  
9 could shift your cull rate, but I can give you  
10 specific numbers right now. Our Texas  
11 location has a 27 percent cull rate. Our  
12 Colorado location has 26 percent cull rate on  
13 a yearly basis.

14 FACILITATOR ANDERSON: Mark and  
15 then Kevin.

16 MR. BRADLEY: Is that better? Can  
17 you hear that? Oh, Mark Bradley, National  
18 Organic Program. Some very good discussion  
19 coming out here and each of you is bringing up  
20 some aspects that are very important to this  
21 discussion. I want to thank this panel in  
22 particular, because as dairymen, I know that

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1 it's one of the most demanding occupations in  
2 agriculture and you're taking some time away  
3 from your farms and your families right now.  
4 I know this crowd particularly appreciates  
5 what you are doing here.

6 I would also like to thank the  
7 folks that are staying back home that are  
8 taking care of the farm, because somebody is  
9 having to milk the girls today, so we  
10 appreciate you.

11 (Applause)

12 MR. BRADLEY: Roman brought up  
13 some excellent points about full access saying  
14 that the cows, you know, have needs, too, you  
15 know, from natural behaviors, you know, and  
16 I'm sorry that he is going to be going out of  
17 business, because the cows are going to be so  
18 healthy. But Carl Polan yesterday said that -  
19 - he kind of said it best that confinement is  
20 confinement is not confinement. It's not all  
21 the same. There is different levels of  
22 confinement and that's what the access to

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1 pasture is just part of a very complicated  
2 scenario that is linked to many parts of the  
3 rule that adds, so you'll very aptly point  
4 this out.

5 The one in particular that comes  
6 to my mind and it goes straight to the 245  
7 days, you know, the other part of the standard  
8 that's not being addressed with this  
9 discussion is that cows are to be provided  
10 access to outdoors, including access to  
11 pasture. And I would like -- I guess I would  
12 direct this to Ed. How can the program, the  
13 NOP, assure that once someone has met the 120  
14 day, you know, proposed guideline that's being  
15 discussed here, how can we be sure that the  
16 cows are -- it's not going to be so closely  
17 linked to the 120 days that they will still  
18 have access to the outdoors, there will still  
19 be freedom of movement?

20 We need to make sure that that  
21 part of the reg is not linked. And how would  
22 NOP build this into a regulation, so that that

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1 part of the standard is preserved without  
2 making the limiting effects of 120 days? In  
3 other words, when they are not on pasture,  
4 what can we do to make sure that there is  
5 freedom of movement, freedom for natural  
6 behaviors and those types of things? Can you  
7 address that?

8 PANELIST ZIMBA: Yes. Is this on?

9 Good. I think it goes back to like what we  
10 was saying, if it looks like a duck, it walks  
11 like a duck, it's a duck. And the certifying  
12 inspector has either got to be educated a  
13 little bit more about the data, because I  
14 could walk in on any one of these farms out  
15 here and tell you what they are doing and  
16 that's just a matter of education and how you  
17 guys are going to go about that, I don't know.

18 I don't want to backtrack here,  
19 but it seems like we're just -- keep hammering  
20 this away and what it is going to take it's  
21 just the matter of these certifiers got to  
22 have the authority go on these farms and look

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1 things over thoroughly and do what has to be  
2 done. And they got to have the power to do  
3 that. And you guys got to give them the  
4 power.

5 MR. BRADLEY: What I'm asking is  
6 when there is confinement like Dr. Polan was  
7 alluding to, should there be prohibitions or  
8 something built in the regulations that  
9 prohibit confinement to tie stalls or  
10 tethering outdoors or something that accounts,  
11 you know, or protects the natural behaviors  
12 and access to the outdoors when they are not  
13 on pasture. I mean, should there be access to  
14 loping lots when the pasture is not suitable  
15 and it's too wet for cows to go out on it or  
16 there is not enough usable forage for them to  
17 be out there and it would be damaging to the  
18 pasture to run cows on it? Should there be  
19 access to loping lots? Should there --  
20 require free stall barns in lieu of tie  
21 stalls?

22 PANELIST ZIMBA: Okay. I think we

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1 have hashed, you know, this out as far as  
2 phone conference calls from the east to the  
3 west. We lowered our standards down as low as  
4 we can do them at 120 days and we feel across  
5 the whole nation, the whole United States  
6 nation there, everybody should be able to  
7 comply to that 120 days and meet that 30  
8 percent dry matter intake, which is only 10  
9 percent of the cows diet for the year.

10 I just don't see how somebody  
11 cannot make that happen. I know we had enough  
12 phone conference calls during this thing until  
13 we're silly about talking about it. And  
14 that's -- these are the rules that we have to  
15 come up with in order to make this happen.  
16 We're not going to -- I can't wave from that,  
17 because we've talked to too many farmers that  
18 can do it. And if you've got somebody that  
19 can do it, then across the road they can't do  
20 it, something just ain't right. And I guess  
21 all I can say is 120 days and everybody should  
22 be able to comply to it.

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1 PANELIST ALEXANDRE: I would like  
2 to step in on this, if I could, please. This  
3 is Blake Alexandre. We need to remember here  
4 -- I like what everybody said by the way, but  
5 Kathie's point earlier about this isn't a  
6 science and we've got to quit trying to  
7 micromanage this particular rule and this  
8 concept. The duck that walked in and asked  
9 for duck food, last year I was in Washington,  
10 D.C. and the large -- I've got a friend from  
11 California, from the Conventional Confinement  
12 Herd, who walked in and said gee, USDA. Are  
13 you still allowing confinement herds to sell  
14 organic milk?

15 And the answer was not really. So  
16 he went home and he didn't build his organic  
17 area that he wanted to build. And I consult  
18 with these kind of guys all the time, because  
19 they know we're one of the larger herds. We  
20 are perceived as doing it right and they want  
21 to know. And there is a lot of people in this  
22 room and a lot of people out there watching

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1 and waiting for this answer.

2 And what we're trying to do, Mark,  
3 is come up with a bare minimum. Let's not  
4 worry about what happens beyond this. What  
5 we're trying to do is stop zero percent of  
6 pasture. We're trying to get off of zero.  
7 And I don't really particularly care if the  
8 number is 5 percent, 10 percent, 15, all the  
9 way up to 30. I really don't care. What  
10 we're trying to do is get off of zero.

11 And Albert has got really good  
12 points. I knew that he was a little fuzzy on  
13 this issue. Honestly, and I --

14 FACILITATOR ANDERSON: Fuzzy might  
15 not be the word.

16 PANELIST ALEXANDRE: But Albert  
17 has got a situation where his consumers can  
18 define that he is not at zero. And his  
19 consumers are content and his tours, the  
20 people that come out to his ranch are happy.  
21 And so that situation works. There is no  
22 issues there. You don't need to get involved

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1 in regulating what Albert is doing. That's  
2 not what the mission is here. The mission is  
3 to get off of zero.

4 PANELIST STRAUS: Well, since I've  
5 been addressed, this is Albert. Well, I do  
6 feel threatened by the 30 percent and I -- you  
7 know, my reaction is what about all the other  
8 practices? And you bring up issues about how  
9 we -- you mainly treat the animals the other  
10 part of the year. And I think that sort of  
11 everybody can have documentation as to which  
12 cows are treated which way for the remaining  
13 part and have some kind of form that people  
14 put together, so that the certifiers can  
15 actually see what they are doing, because  
16 they're only there one day a year, so it's  
17 hard.

18 You know, I'm sure there are going  
19 to be abuses, but I think that there should be  
20 a minimum standard for that as well. Yes, I  
21 agree.

22 PANELIST ARNOLD: Can I jump in

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1 here, too, please? To address Mark's  
2 question, I mean, the rule does already state  
3 that there should be daily outdoor access for  
4 all animals over six months of age. And if it  
5 comes to light that that is being abused, too,  
6 then I think we would all be for more  
7 specificity there as well. You know, that  
8 isn't something that we organic dairy  
9 producers across the country have discussed  
10 yet, but if it's something you would like us  
11 to discuss, we can put that on the agenda  
12 next.

13 But, you know, we -- I think we  
14 all do see welfare standards across the whole  
15 year as being of prime importance, not just  
16 when they are on grass, but through the whole  
17 year. And I would say that there are an awful  
18 lot of organic dairy farms that do not just  
19 have tie stall facilities for their herds.  
20 They have greenhouse barns. They have free  
21 stall barns. They have bed pack barns or they  
22 may have a combination of a tie stall.

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1           In our situation, we have a  
2 combination of a tie stall and free stall. So  
3 half the cows are in the tie stall for the day  
4 and they are out in the free stall at night  
5 and every day they all have access to free  
6 roaming in the barnyard. And all of our  
7 heifers and dry cows have free access to  
8 outdoors/indoors. They can choose when they  
9 want to be in, when they want to be out just  
10 like Roman's. And I think most organic dairy  
11 herds have situations like that. And if they  
12 don't, if they are not providing outdoor  
13 access, then the certifier ought to come down  
14 on them, because that's part of the rule and  
15 they should be meeting it.

16           FACILITATOR ANDERSON: Kevin?

17           MEMBER ENGELBERT: I have pages of  
18 questions. Kevin Engelbert, NOSB. But in the  
19 interest of time, I'm going to restrict it to  
20 just three and I'll ask them all at once and  
21 then they can respond.

22           Albert or Mr. Straus, if you had

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1 fewer cows or more acres devoted to pasture,  
2 could you more easily meet the 30 percent,  
3 120?

4 Kathie, could you explain one last  
5 time for the record how those figures were  
6 obtained?

7 And, Mr. Velez, would you give a  
8 little bit more detail on your feeding program  
9 and how much pasture you actually feed your  
10 lactating animals?

11 PANELIST STRAUS: I guess I'm  
12 first. My mind just went blank. Can you  
13 repeat it? I'm sorry.

14 MEMBER ENGELBERT: Yes. If you  
15 had --

16 PANELIST STRAUS: Oh, had fewer  
17 animals. Now, I remember.

18 MEMBER ENGELBERT: Okay.

19 PANELIST STRAUS: My quick answer  
20 is probably not, because of the length of the  
21 growing season. We probably -- I mean, each  
22 dairy farm is a different situation, so I

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1 think that, you know, personally I have to be,  
2 as an economic model, a certain size and a  
3 certain thing, but besides that, I think it's  
4 very limited. I mean, as a minimum I think  
5 it's going to be very difficult to get  
6 anywhere close to 30 percent, you know, for a  
7 consistent basis. I mean, every year if you  
8 want to make exceptions, you know, as a goal  
9 it might be good, but I don't think I can do  
10 that at this point.

11 MEMBER ENGELBERT: I'm just  
12 wondering how many cows you have, how many  
13 acres of pasture, and if those numbers were  
14 different.

15 PANELIST STRAUS: As I stated --

16 MEMBER ENGELBERT: And has that  
17 changed the ability to meet that minimum.

18 PANELIST STRAUS: As I stated, we  
19 have, approximately, 300 cows on 660 acres.

20 MEMBER ENGELBERT: So, for  
21 example, 100 cows on 660 acres, still for that  
22 length of time you couldn't feed them?

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1 PANELIST STRAUS: If I wasn't in  
2 business I wouldn't have to worry about it.

3 MEMBER ENGELBERT: Well, but I  
4 think  
5 that --

6 PANELIST STRAUS: No, I'm being  
7 facetious, but it's -- if I was a small dairy,  
8 I wouldn't be in business. I just -- you  
9 know, I have maximized the amount of pasture I  
10 can do for our area and for my particular  
11 situation. Other dairies that I buy from  
12 utilize pastures as much and they maximize the  
13 pasture. They don't have any silage. They  
14 don't. They just feed alfalfa hay and grain  
15 in the barn and they, at most years, have a  
16 hard time getting 120 days, I would say.

17 FACILITATOR ANDERSON: If I could  
18 jump in for one second. What I heard was it  
19 isn't the number of cows or the amount the  
20 pasture, but rather it is the length of your  
21 growing season and the variability of it that  
22 is your challenge. Is that --

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1 PANELIST STRAUS: The length of  
2 the growing season.

3 FACILITATOR ANDERSON: I'm saying  
4 the pasture season because of --

5 PANELIST STRAUS: I mean, to get  
6 the 30 percent over our growing season is very  
7 difficult to get.

8 PANELIST ARNOLD: Okay. Is it on  
9 to me? Where does the 30 percent for 120 days  
10 come from? Yes, basically, it came from  
11 discussions for years over dairy producers,  
12 organic dairy producers across the country.

13 The first I heard about it was, I  
14 believe, some farms in Organic Valley came up  
15 with that back in 2001, I believe, as a base  
16 price or as a base amount that everybody  
17 should be able to make and we have just  
18 discussed it and discussed it and discussed  
19 it. And that is just something that we feel  
20 should be achievable everywhere. Is that all  
21 you wanted me -- okay.

22 PANELIST VELEZ: And talk about

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1 our feeding program, I'm going to talk a  
2 little bit about the housing condition of the  
3 animals for the most part and they are loose  
4 housing, access to fresh air, sunlight and  
5 expression of natural behaviors by grooming  
6 during the entire year, and the cows in the  
7 maternity group are brought in so that we can  
8 monitor the calving. The fresh cows stayed on  
9 one of those loose housing areas where they  
10 get a TMR. At, approximately, mid-lactation  
11 several of those groups start going out on  
12 pasture.

13 We calculated. Last year we  
14 calculated, guesstimated, that our dry matter  
15 consumption for some of the lactating cows was  
16 around 5 percent in our Texas herd and between  
17 3 and 5 percent in our Colorado herd during  
18 the lactating period.

19 MEMBER KARREMAN: Thanks, Juan.  
20 Hugh Karreman, NOSB. Back on the animal  
21 welfare issue. Since I'm a veterinarian and  
22 that's near and dear to me all the time, I

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1 would say that the issues of animal welfare  
2 and a checklist or something like you  
3 mentioned, Juan, are probably needed and I  
4 think there are some private companies  
5 starting to do that or private kind of extra  
6 certifiers doing that.

7 But I think that the main -- it  
8 kind of gets back to what Mark was asking  
9 about, what about the rest of the time when  
10 they are not on pasture, and I think we need  
11 to look at that, but I think our main topic  
12 for this conference is pasture and we need to  
13 concentrate on that, but we do need to look at  
14 the other dates.

15 In my particular area, down in  
16 Lancaster County just a couple of hours south  
17 of here, we do have a lot of tie stall barns  
18 and I would definitely be open to entertaining  
19 the welfare issues of letting the cows out in  
20 the wintertime from the tie stalls so they are  
21 not tied in as long, okay, but that's on a  
22 different day.

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1           And the other thing with the  
2 animal welfare part of it, since we're here  
3 for pasture, primarily to define what pasture  
4 is and what it shall be in at least the  
5 minimum somehow or another, when it gets down  
6 to the animal welfare it's not just the  
7 ruminants, but we have to also look at the  
8 hogs and the poultry, so just to keep that  
9 separated.

10           MEMBER GIACOMINI:   Dan Giacomini,  
11 NOSB. First of all, I just needed to say for  
12 full disclosure, as Hugh is the veterinarian  
13 for one of our panels, I am the nutritionist  
14 at Albert Straus Dairy and I have worked with  
15 a number of organic and conventional dairies  
16 in the area that Albert is and the area that  
17 Blake is.

18           And as difficult as it would be  
19 for Albert to do this, it is very interesting  
20 that I was recently at a talk with a major  
21 retailer of natural products and organic  
22 products and I would be very, very surprised

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1 if the majority of the pasture pictures that  
2 were in that talk were not from Albert's  
3 geographical area.

4 The question I had is for Jon and  
5 I'm more comfortable asking this after Mark's  
6 question. I'm not asking you to become a  
7 regulator. Can you give us some ideas on  
8 possible terminology and possible points that  
9 we can use to put into regulatory terms what a  
10 grass-based dairy looks like?

11 PANELIST BANSEN: Okay. Well, you  
12 know, a grass-based dairy is going to have a  
13 structure. If you drive onto the yard, in the  
14 yard, and there is no fences up or no lanes  
15 up, you know that's not a pasture dairy  
16 already. You know, it's really not a highly  
17 difficult thing to see what a pasture dairy  
18 is. It should have terminology like  
19 structure, the infrastructure set up for  
20 grazing, which means fences and lanes.

21 You know, we have a very wet  
22 weather pattern ourselves where we're at and I

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1 took a page out of my grandfather's book. He  
2 grew up or my grandfather dairied right where  
3 Blake -- down where Blake dairies right now,  
4 and my grandpa poured a cement lane to get his  
5 cows out to the grass and this was 60 years  
6 ago, 70 years ago, something like that.

7 Growing up as a little kid down  
8 there in Ferndale, I remember walking down to  
9 get the cows down that little skinny cement  
10 lane and then, once we moved up to Oregon and  
11 I bought my own farm and I was having trouble  
12 getting the cows in and out to the grass,  
13 because it's so darn wet there, you know, an  
14 old light came on. I remembered what my  
15 grandpa did and we poured cement lanes.

16 We have about two miles of lanes,  
17 some cement and some with fabric and rock on  
18 top, so we can get the cows back and forth and  
19 that is really the part about intent. You  
20 know, if you walk onto a dairy and there is no  
21 lanes and there is no fences, you know they  
22 are not a grass-based dairy.

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1           So I really think in the  
2 terminology you need something about the  
3 infrastructure, so the infrastructure is  
4 there, and as well as vegetative pasture. You  
5 know, if you have a huge area fenced in that  
6 is a rock pile, probably not vegetative  
7 pasture. If you have a fenced in green stuff  
8 that the cows can graze, probably pasture.

9           It's really not rocket science  
10 here and, you know, this really has to have a  
11 common sense approach to it. This is not --  
12 it's not tough to go in a yard and see what  
13 they are doing on the farm.

14           MEMBER DELGADO: Is this on? Yes.  
15       Rigoberto Delgado with NAOS -- NOSB. I  
16 always have problems there. A question for  
17 Albert. If you were to introduce irrigation  
18 to your farm so you can -- assuming it's  
19 possible, would you do it and you said no or  
20 because it will be a detriment of your ecology  
21 and so forth.

22           But would that put you out of

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1 business or that would -- what would be the  
2 economic implications of bringing irrigation  
3 to your facility?

4 PANELIST STRAUS: Irrigation.

5 MEMBER DELGADO: And allowing to  
6 comply with the 30 percent?

7 PANELIST STRAUS: I understand.  
8 We live on a body of water, the Pacific Ocean,  
9 in Tomales Bay that is a lot of salt water and  
10 if you gave me millions of dollars to do  
11 desalinization, I could probably do it. We  
12 have drilled wells. In the '76 drought we  
13 finally found some water for the dairy after  
14 hauling water for nine months. And this year  
15 we drilled two more wells and they were dry.  
16 There is no water, so I don't have that  
17 option. Plain and simple. It's not  
18 environmental. It's not anything. I don't  
19 have water.

20 MEMBER DELGADO: My second  
21 question is for Jon and Kathie and the rest of  
22 you. In the case of Albert, and I know a

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1 number of farmers in Texas and so forth, they  
2 have all the intent of allowing to comply with  
3 that 30 percent, but they can't.

4 Does that satisfy, in your  
5 perspective, the intent of the 30 percent and  
6 access to pasture if people like Albert and  
7 people in west Texas or whatever are not able  
8 to meet it according to the standards and the  
9 possibilities that you have here in this very  
10 green and large area of the country?

11 PANELIST BANSEN: Well, you know -

12 -

13 MEMBER DELGADO: Or should we stop  
14 thinking of being organic dairy farmers in  
15 west Texas or what is your opinion?

16 PANELIST BANSEN: Well, you know,  
17 like the Billy Joel song says, it's shades of  
18 gray. You know, nothing is black and white  
19 here. It's all shades of gray. I think what  
20 Albert is doing is a whole lot different than  
21 the folks that we're here to really discuss,  
22 you know, the zero percenters or the 2 or 5

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1     percenters.

2                     You know, that is -- Albert, you  
3     know, he has the intent there. You know, he  
4     says he usually has four months. You know, I  
5     think it's different in a region. If you set  
6     up a dairy in a region where you know you have  
7     no irrigation and you know the growing season  
8     is one month, there is no intent there to meet  
9     the pasture. You know, Albert has a dairy  
10    where he says on the average year he has four  
11    months. That's the 120 days. Seems like the  
12    intent is there.

13                    So, you know, we need to make sure  
14    exactly what that intent is when you set up  
15    the dairy, and that's why it's important to  
16    have specific wording in this language to talk  
17    about intent, you know, about pasture  
18    infrastructure and about what needs to be  
19    there, so when new dairies do want to come on  
20    to this organic program they know, you know,  
21    do they meet that intent or don't they meet  
22    that intent. You know, do they need to look

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1 for a different area where they can meet that  
2 intent or not?

3 PANELIST ARNOLD: Okay. I would  
4 just sort of second that and just the fact  
5 that in the rules or the way it's considered  
6 being written is an allowance for temporary  
7 confinement based on weather, on flooding, too  
8 much rain, drought. So if Albert says that in  
9 a normal year they can meet 120 days, they  
10 have got the four months, but he has just had  
11 a succession here of very abnormal years, so I  
12 would assume that these very abnormal years  
13 would meet that exemption requirement.

14 And in terms of the 30 percent  
15 intake, that is all based on balancing numbers  
16 of animals with your land base and in some  
17 cases, there will just have to be perhaps a  
18 decrease in herd size to make that balance  
19 between animal numbers and that pasture land  
20 base. And people are doing it all across the  
21 country.

22 I mean, the number of pasture

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1 acres we have, if, you know, we're at a good  
2 number, a good fit now for doing what we want,  
3 you know, we can milk 1,000 cows, but, you  
4 know, then I could no longer make that 30  
5 percent dry matter intake and you have to  
6 balance your cow numbers with your acreage  
7 available.

8 PANELIST VELEZ: I would like to  
9 jump in and especially talk about the intent.

10 As you know, the drought, the longest  
11 drought, one of the longest droughts in  
12 history has been in Texas until recently.  
13 Obviously, our intent at that particular farm  
14 was based on the land base to graze a lot more  
15 and get a lot more dry matter intake than what  
16 we actually got.

17 Also, I want to point out that  
18 continuously the plan is evolving towards more  
19 and more access to more of the animals around  
20 any of the locations that we want to be in,  
21 and the new products are designed with a lot  
22 more access with a lot more -- with a goal of

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1 having a lot more grazing going on. The  
2 intent is -- so I don't think that anybody's  
3 intending purposefully not to do it.

4 Therefore, I want to make sure  
5 that everybody understands that the whole  
6 program is evolving and that this symposium,  
7 that I have learned a lot about a lot of  
8 things that can be done and cannot be done. I  
9 think that this symposium is the beginning of  
10 an evolving process for everybody's intent to  
11 grow on several aspects, and I include welfare  
12 during the winter months as one of those  
13 things that need to be evolving in the whole  
14 organic program.

15 PANELIST ALEXANDRE: I would like  
16 to answer to that real quickly. Two things  
17 though. First, there is the Animal Humane  
18 Association that certifies dairies and when  
19 you get certified, you can use the Free Farmed  
20 logo and we do that at Humboldt Creamery.  
21 Every dairy out there is certified by that for  
22 whatever that is worth.

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1           In regards to your specific  
2 question about Texas, I have been involved at  
3 a dairy in Texas and I own a percentage of an  
4 organic dairy farm in Texas that I have helped  
5 set up from the beginning, and we pump water  
6 that is way down deep and we irrigate in  
7 circles underneath the irrigation and it  
8 works. And we're only in our second year out  
9 there, but it's working real well.

10           FACILITATOR ANDERSON: There are  
11 more questions from the Board and I would ask  
12 a question of the Board in general, because  
13 I'm charged with the time keeping here. There  
14 are also a lot of questions from the Board.  
15 Would you like to ask a question? Could I go  
16 to some of the public questions or how would  
17 you like to proceed?

18           PARTICIPANT: Are you asking me?

19           FACILITATOR ANDERSON: Well, I'm  
20 asking Bea and Gerald particularly.

21           MEMBER JAMES: Kevin, do you want  
22 to address that?

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1 CHAIRMAN O'RELL: Well, I think we  
2 do want to get to some of the public comments  
3 and, I think in light of that, I know the  
4 Board, if you have a specific question quickly  
5 that can be answered, but we do need to move -  
6 -

7 FACILITATOR ANDERSON: Here's  
8 another question. How about if we ask the  
9 public questions. If those don't address your  
10 questions, we'll come back to you.

11 MEMBER JAMES: No.

12 FACILITATOR ANDERSON: Bea? Okay.

13 MEMBER JAMES: Well, I guess from  
14 the communication that we received from the  
15 NOP that this is really a symposium for the  
16 public, but it's also to really help make sure  
17 that the NOSB understands and asks their  
18 questions, so that we can get to a conclusion.

19 So I would say that if there are pressing  
20 questions from the NOSB that we can,  
21 hopefully, summarize those quickly and then  
22 move on to the public questions and if

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1 everyone is okay with that. Sound right,  
2 Mark, Barbara?

3 MS. ROBINSON: Yes, yes, this is -  
4 -

5 MEMBER JAMES: Okay. First, thank  
6 you, farmers, for coming. I really appreciate  
7 the time that you're taking away. Ed, thank  
8 you for not passing out when you gave your  
9 last part of the speech.

10 I am going to just like jump to  
11 let's say that we instill this regulation,  
12 that we have pasture, that we don't sit here  
13 and talk about whether or not yes pasture, no  
14 pasture, 120 days, 30 percent, that we just  
15 make this assumption that we are -- from what  
16 I'm hearing, that we want pasture. We're  
17 going to figure out how to make this work for  
18 farmers.

19 Pasture means, from what I'm  
20 hearing and what I read in the regulation, it  
21 doesn't -- it means not just one thing. It  
22 means grazing. It means sunlight. It means

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1 fresh air. It means free roaming. It means  
2 allowing the animal to express its natural  
3 behavior. So it's not just one component of  
4 that. It's all of those components.

5 So I would like to throw out this  
6 scenario and ask for your opinion. In the  
7 Organic Regulation we have three tiers. We  
8 have 100 percent, 95 percent, 70 percent.  
9 What would be your opinion if we were to find  
10 a way to craft this regulation to meet the  
11 diverse type of farming that's going on? We  
12 have farmers that are able to have very strong  
13 pasture for their farms. We have other farms  
14 that have regional weather problems. We have  
15 farms that are not complying to the  
16 regulations and that need to comply to the  
17 regulations.

18 So with that, I would ask you as  
19 farmers to tell me what your thoughts are on  
20 having a regulation that would be tiered  
21 pasture access for the labeling of organic  
22 milk.

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1 PANELIST BANSEN: Well, I just may  
2 -- I might be concerned that that might lead  
3 to confusion in the consumer market as far as  
4 what organic milk is and, you know, they come  
5 and there's three different labels and, you  
6 know, what does that mean and I'm afraid that  
7 might just lead to some consumer confusion.

8 MEMBER JAMES: But we have three  
9 tiers already.

10 PANELIST BANSEN: Correct. I  
11 understand that. When you come to your dairy  
12 case, I just -- I think it's a little  
13 different than your dry products and those.  
14 You know, you come to the dairy case, it's the  
15 dairy case and I'm afraid there might be  
16 confusion there.

17 PANELIST ALEXANDRE: The problem I  
18 see with that is now you have gotten specific  
19 on pastures if that's the only thing that  
20 really counts and it's not. It's organic  
21 pasture.

22 So the consumer would immediately

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1 get confused with the conventional pasture  
2 label that is coming and that is a huge  
3 problem, because this organic pasture is back  
4 to the biology of the soil and it's the total  
5 package and it's a nutrient-dense package of  
6 food that we're trying to get to the consumer.

7 That is why they want pasture, not because it  
8 makes them feel good.

9 MEMBER JAMES: Okay.

10 PANELIST STRAUS: This is Albert.

11 MEMBER JAMES: Yes.

12 PANELIST STRAUS: I just -- I  
13 don't see. We have already products that are  
14 made with, you know, the different amounts of  
15 organic. You're going to explain that it's 75  
16 percent, because it only has so much pasture?

17 MEMBER JAMES: I'm not necessarily  
18 saying that this tier would be exactly the way  
19 that it currently exists, that maybe there  
20 would be a tier that would be crafted  
21 specifically for dairy to help meet the needs  
22 of somebody like yourself and still allow you

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1 to be able to sell your milk as organic, but  
2 not necessarily -- I think we need to be  
3 honest and we need to communicate to the  
4 consumers what they are purchasing.

5 When I buy orange juice that has  
6 oranges on the package, I expect there to be  
7 orange juice in the package. When I buy milk  
8 that has cows on pasture on the label, I  
9 expect that that's what I'm purchasing. And  
10 so if we find a way to be able to provide the  
11 consumer with the different variations that  
12 are currently out there, and I'm not saying  
13 that there should be a tier that does not  
14 allow pasture, I'm just saying that I think  
15 that we need to be cognizant of the fact that  
16 not every single region is going to have an  
17 easy time adhering to 120 days, 30 percent.

18 PANELIST STRAUS: You know, I  
19 market products that don't have additives in  
20 it. I don't homogenize. You know, if I don't  
21 have as much pasture as these other guys, am I  
22 not as organic as them?

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1 MEMBER JAMES: Well --

2 PANELIST STRAUS: I'm asking. Is  
3 that what you're trying to -- you're painting  
4 me into a spot that I -- I'm asking, you know.

5 MEMBER JAMES: I think that's the  
6 topic of this whole symposium.

7 PANELIST STRAUS: Okay. Well, I  
8 take offense at it. You know, it's -- I  
9 helped developed standards for the last 15  
10 years. I have -- I am a step ahead of almost  
11 everything that is out there and we do our  
12 best to come up with a clean, 100 percent  
13 organic product that we don't -- you know, we  
14 have a survey that we put out that had 5,000  
15 consumers of which we got a 22 percent return  
16 rate that their concern was additives. Over  
17 90 percent of them were concerned with  
18 additives and preservatives in organic foods.  
19 It wasn't how much pasture there was.

20 You know, if this is from the  
21 consumers' perspective, we are totally  
22 straightforward. You know, we tell exactly

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1 what's in our product. We educate people as  
2 to what we're doing and what the message about  
3 sustainable farming is, and that is who our  
4 consumer is. They aren't saying, oh, you're  
5 not as organic as the other guy. You know, so  
6 that's my reaction.

7 PANELIST ARNOLD: I guess it's a  
8 whole new idea and it's hard to respond right  
9 off the top without having thought about it  
10 for awhile but, I mean, I like the idea from a  
11 producer's side in that it is going to provide  
12 a real incentive for maximizing pasture and it  
13 may provide that economic return for reducing  
14 cow numbers in a situation where there is a  
15 limit to the amount of acres.

16 So if there was a little bit of  
17 premium price attached to a product that had a  
18 higher level of grass fed basis, then that  
19 premium could go to provide that farm with the  
20 economic means to provide that higher pasture  
21 base.

22 PANELIST BANSEN: And I would just

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1 like to reiterate real quick that as Kathie  
2 stated before, this 30 percent, 120 day issue  
3 really, I do believe it did originate in our  
4 Dairy Executive Committee, which has  
5 representatives at Organic Valley from all  
6 across the nation. You know, we have 568  
7 farmers in 22 regions and it was the consensus  
8 after hours and hours meeting and meeting with  
9 all the DEC representatives at Organic Valley,  
10 all regions can meet this.

11 You know, we had no input from any  
12 of the other -- of any of the regions across  
13 the country that couldn't meet this and that  
14 is really where that 30 percent really started  
15 out to begin with.

16 PANELIST STRAUS: I'm not in  
17 Organic Valley.

18 PANELIST ALEXANDRE: Albert, I  
19 think you have neighbors in your region that  
20 say they can meet it.

21 PANELIST STRAUS: Organic Valley  
22 or --

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1 PANELIST ALEXANDRE: No, you have  
2 neighboring dairymen in your region that ship  
3 milk  
4 to --

5 PANELIST STRAUS: Okay.

6 PANELIST ALEXANDRE: -- other  
7 processors that believe they can meet the  
8 regulation.

9 PANELIST STRAUS: Let's put it  
10 down on paper.

11 (Applause)

12 MEMBER DAVIS: Robert, Gerald  
13 Davis. My question I will save for the  
14 certifiers section.

15 FACILITATOR ANDERSON: Okay.  
16 Great.

17 PARTICIPANT: I have one. Oh, I'm  
18 sorry.

19 MEMBER OSTIGUY: This is a  
20 question for Dr. Velez. I'm sorry. This is  
21 Nancy Ostiguy from NOSB. How many hours a day  
22 are your cows, your milking cows, outside not

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1 free walking inside, but physically outdoors?

2 PANELIST VELEZ: 24/7.

3 FACILITATOR ANDERSON: Any more  
4 questions from the NOSB? I should have stated  
5 early this morning what I said at the  
6 beginning of yesterday, and that is that this  
7 is primarily a symposium for NOSB and NOP and  
8 that while we will entertain public questions  
9 that --

10 MEMBER OSTIGUY: I need to follow-  
11 up on that question.

12 FACILITATOR ANDERSON: I'm sorry,  
13 I didn't realize.

14 MEMBER OSTIGUY: What do you mean  
15 by 24/7?

16 PANELIST VELEZ: I'm sorry?

17 MEMBER OSTIGUY: How are they  
18 outdoors 24 hours a day? Are they inside of a  
19 facility that has a roof, but open portions of  
20 the wall? I want to know when they don't have  
21 any walls surrounding them, when they don't  
22 have roofs.

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1                   PANELIST   VELEZ:           Okay.       I  
2   apologize for my short answer.   Our cows are  
3   housed in what we call loose housing.   There  
4   is no walls, that only on one portion of the  
5   very large pen where they can walk.   They can  
6   groom.   They have direct sunlight, access to  
7   sunlight, fresh air.   They have an open shed  
8   in which they can select whether to go in if  
9   the weather is inclement or stay out if the  
10   weather is nice, which is most, around 300  
11   days of the year in the area of Colorado, one  
12   of the dairies I'm talking about.

13                   The other one is very similar.  
14   I'm talking in general about both of them.  
15   It's very similar.   The cows can express their  
16   natural behavior during all -- during the  
17   entire day unless they themselves select to be  
18   inside a shed that is well-bedded to protect  
19   themselves from the inclement weather.   They  
20   can express their natural behavior.

21                   MEMBER OSTIGUY:   You still haven't  
22   answered my question.   Do they have a roof

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1 over their head?

2 PANELIST VELEZ: No, ma'am, only  
3 if they choose to go under the shed they have  
4 a roof on their head. If not, they don't.  
5 Yes?

6 MEMBER OSTIGUY: They are walking  
7 on cement, they are walking on dirt, they are  
8 walking on grass?

9 PANELIST VELEZ: They are walking.  
10 When they are not grazing, they are walking  
11 on a panel of dirt. There is dirt around it.  
12 Yes, ma'am.

13 FACILITATOR ANDERSON: Any more  
14 questions? Yesterday I commented at the  
15 beginning that this is primarily a forum for  
16 the NOSB and the NOP. I have lots and lots of  
17 public questions here and we're not going to  
18 be able to address all of them. I want  
19 everyone to be aware though that every one of  
20 these questions will be scanned into the  
21 public record. There is a comment period at  
22 the beginning of the National Organic Board

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1 Meeting, Standards Board Meeting today.

2           There are already six and a half  
3 hours of comment there for that and, also,  
4 there is the opportunity for written comment  
5 to this by June 12<sup>th</sup> of this year, but that's  
6 only on the ANPR. That is not on what will  
7 ultimately happen if regulations come.

8           There is only one question that I  
9 would like to -- and not necessarily ask for  
10 answers to, but I think that what is being  
11 talked about here is getting around the issue  
12 and there are recurring questions here about  
13 confinement and what is confinement. What is  
14 confinement from the standpoint of are the  
15 animals indoors or are they outdoors? Are  
16 they tied part of the day, none of the day?  
17 Are they outside in indoor confinement?

18           And it really breaks down to  
19 indoor confinement with no outside access,  
20 indoor confinement in stalls, indoor  
21 confinement with free roaming or outdoor  
22 access to grass pasture, dirt or whatever.

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1 And it's sort of the underlying issue here  
2 that I'm not exactly sure how we even begin to  
3 address, but confinement is what we're really  
4 -- as we're seeking access to pasture, we're  
5 talking about confinement and what we don't --

6 PANELIST ALEXANDRE: Comments?

7 FACILITATOR ANDERSON: Sure.

8 PANELIST ALEXANDRE: My simple  
9 answer to that is, again, this is a pasture  
10 symposium. We're here talking about access to  
11 pasture. The first question that was asked  
12 yesterday, is this a current role of the NOP,  
13 is the current position on pasture adequate?  
14 The answer is no. Everybody has said no, no,  
15 no, no. It is pretty much unanimous the way I  
16 feel it.

17 We have got issues where we have  
18 rolled into this 30 percent, but again I'm  
19 going to remind everybody what is confinement?

20 We're not here to define confinement.  
21 Confinement is zero access to pasture. It  
22 doesn't matter whether it's Juan's confinement

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1 or something that is happening out here in  
2 Pennsylvania or anywhere else in the country.

3 Confinement means no access to pasture and  
4 that's why we're here today. So it's really  
5 clear in my mind.

6 (Applause)

7 FACILITATOR ANDERSON: I believe  
8 that -- I want to say one more time, every  
9 question that is here, and there are many  
10 really good questions, will be scanned into  
11 the public record. There is the comment  
12 period preceding the NOSB meeting and there is  
13 the opportunity to provide written comment by  
14 June 10<sup>th</sup> or June 12<sup>th</sup> on this ANPR.

15 I will call for a short break and  
16 we'll bring the certifiers up, so that we can  
17 talk about whether or not we can put nails in  
18 the intent and whether we can -- and what we  
19 have to do in terms of regulating. Thank you.

20 And I would like to especially --  
21 please, everybody, these guys have taken an  
22 incredible amount of time.

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1 (Applause)

2 (Whereupon, at 10:02 a.m. a recess  
3 until 10:21 a.m.)

4 FACILITATOR ANDERSON: We will  
5 reconvene this session and we have approached  
6 the enforcement, measurement and compliance  
7 part of this in a little bit different way,  
8 because there were five questions posed  
9 directly in the ANPR that were asked of the  
10 accredited certifying agents.

11 So what we're going to do is have  
12 one person, one of the certifiers, address  
13 each of the questions and then provide an  
14 opportunity for the other two certifiers to  
15 comment on anything that wasn't added or  
16 reinforce that. So we're going to take a  
17 total of six minutes for five questions and  
18 leaving half an hour of questioning for the  
19 NOSB.

20 So I will just start by saying  
21 that we are privileged to have with us Brian  
22 McElroy from CCOF, Leslie Zuck from

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1 Pennsylvania Certified Organic and John  
2 Stalley from Oregon Tilth.

3 So I will start first with the  
4 question how should an accredited certifying  
5 agent measure compliance with specific  
6 measures adopted to change the role of  
7 pasture? And, for example, if dry matter  
8 intake is used as a benchmark, should it be  
9 measured as the average or such as a calendar  
10 year over 12 months or a week or a day or an  
11 hour? Leslie?

12 PANELIST ZUCK: Is this on?

13 FACILITATOR ANDERSON: Sure.

14 PANELIST ZUCK: Can you hear me?

15 FACILITATOR ANDERSON: Yes.

16 PANELIST ZUCK: Okay. Well, there  
17 are a variety of ways that certifiers can  
18 verify compliance and it's one area of the  
19 rule where they don't spell out how. They  
20 tell us we have to verify compliance with the  
21 regulations, but they don't really spell out  
22 specifically how to do that, so we have

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1 discretion in that area.

2 And the types of records that  
3 farmers keep vary greatly, as well. I mean,  
4 they start out as none. That would be the  
5 preferred format for most farmers and we  
6 actually get this. They will say, well, it's  
7 all in my head, you know, I have the records,  
8 but they are all in my head. So that is, you  
9 know, one area that you will find.

10 Then you have the farmer that  
11 gives you this sophisticated computer  
12 spreadsheet so, you know, it runs the gamut.  
13 And I will say that, you know, it seems that  
14 the best farmers do keep the best records, but  
15 just like the weather they all complain about  
16 it every chance they get. And I think most of  
17 the farmers we certify would rather have all  
18 their teeth pulled out than fill out the  
19 records that we require them to fill out.

20 But, you know, as far as what you  
21 have to understand from our point of view is  
22 the burden is always on the producer to verify

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1 their compliance and then, in turn, the  
2 certifier has to have adequate records in our  
3 office and in our files to demonstrate  
4 compliance to the NOP auditors. So that is  
5 kind of how the chain works.

6 And with the dry matter intake  
7 situation, which is the example in the  
8 question in the ANPR, that would be something  
9 we would calculate seasonally. Most farmers  
10 have their rations kind of figured out  
11 different per season. So during the winter  
12 season they have a certain ration. During the  
13 early spring season they will change the  
14 ration as the cows are starting to go out on  
15 pasture. During the pasture season it's going  
16 to be way different than it would be, you  
17 know, during the winter season.

18 So if we were going to be having  
19 to calculate that, it would have to be tied  
20 into what is the definition of the growing  
21 season and whether it's 120 days or whatever  
22 it is that we decide, that's how it will be

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1 connected with that. And I don't think that,  
2 you know, those records would not be  
3 difficult.

4 I mean, in some cases the  
5 inspector just goes and has -- great, we have  
6 a timekeeper. In some cases we require the  
7 farmer to keep records on the farm or another  
8 way to do it is when the inspector goes to the  
9 farm, they can ask the farmer how do you do  
10 this or how many hours are your cows on  
11 pasture, you know, tell me what your ration is  
12 that you're feeding during the pasture season,  
13 and the inspector can write all that down and  
14 into the inspection report and it becomes part  
15 of the record that way. So there are a  
16 variety of ways that we can do that.

17 FACILITATOR ANDERSON: Brian, same  
18 issue.

19 PANELIST McELROY: What happened  
20 there?

21 FACILITATOR ANDERSON: Same issue.  
22 Would you like to comment on that

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1 measurement?

2 PANELIST McELROY: No, I have  
3 nothing to add.

4 FACILITATOR ANDERSON: Well, then  
5 the second question is, and this is to Brian,  
6 how should producers and certifying agents  
7 verify compliance over time for a herd of cows  
8 that are at various stages of growth or have  
9 varying states of nutritional needs? Can the  
10 producer and certifying agent determine this  
11 in the Organic System Plan?

12 PANELIST McELROY: So I will go  
13 backwards through the question. Yes, the  
14 certified party can include this in the  
15 Organic System Plan, should include it in the  
16 Organic System Plan and I think that the  
17 certifier should verify it's in the plan.

18 And I think that, you know, the  
19 National Organic Standards Board, one of the  
20 things you should take a look at is what do  
21 the various Organic System Plans offered by  
22 the accredited certification programs look

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1 like, what questions are they are asking, what  
2 kind of documentation are they asking, because  
3 in the first round of accreditation we have  
4 seen a huge variation in what an Organic  
5 System Plan looks like.

6 It goes all the way from a  
7 checklist all the way through to, you know,  
8 fill in the blank and check the box to very  
9 freeform paragraph essays, and these Organic  
10 System Plans are extremely varied and I think  
11 that can make it hard sometimes at the  
12 enforcement level to try to ensure enforcement  
13 of the standard.

14 So the first part of the question  
15 then is how should producers and certifying  
16 agents verify compliance over time for a herd  
17 of cows at various stages of growth and  
18 various states of nutritional need and,  
19 obviously, we're in here talking about pasture  
20 so let's not get distracted about all the  
21 other various nutritional issues.

22 But from what I have seen in

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1 certified operations, the only consistent  
2 place that I have seen an operation deny  
3 access to pasture to animals for a stage of  
4 production that seems justified to me is at  
5 the very young stage, various stages of the  
6 calf and its maturity, and that denial of  
7 access to pasture for those calving stations,  
8 in my experience, is pretty short. We're  
9 talking about a matter of, you know, weeks to  
10 months and that is the only place I have seen  
11 a consistent denial of access to pasture that  
12 seems reasonably justified.

13 PANELIST ZUCK: I would agree with  
14 that.

15 FACILITATOR ANDERSON: John?

16 PANELIST STALLEY: I would also  
17 agree with that and I agree with Brian that  
18 the System Plan has pretty much everything in  
19 it or it should have everything in it that you  
20 need to verify compliance and could be used  
21 for the 30 percent as well. All that  
22 information should be in the plan and it's a

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1 matter of the inspector going out to the farm  
2 and verifying what is in that plan.

3 FACILITATOR ANDERSON: This  
4 question is to John. What flexibility should  
5 producers have in working with their  
6 certifying agents to verify they have  
7 accomplished the goals of an increased pasture  
8 for livestock?

9 PANELIST STALLEY: Okay. I was  
10 going to take this in two parts. First of  
11 all, things that I think should be flexible  
12 and I'm going to read what we have put  
13 together as a staff. We met as a staff and  
14 decided.

15 It has changed since I came to  
16 this meeting, so by listening to everybody, I  
17 came here with an open mind. My heels were  
18 not dug in the sand and I really -- I have  
19 changed our position since I got here. I was  
20 unclear when I got here and I feel like I'm a  
21 little bit clearer, but I'm still pretty  
22 unclear. I don't know how everybody else

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1 feels, but that's how I feel.

2 And so I'm going to read what we  
3 came up with. I will talk pretty quick  
4 because I know we're limited for time. "While  
5 some had wanted to focus this discussion on  
6 the scale or the size of the operation and/or  
7 geographic location, Oregon Tilth believes  
8 focus is on the integrity and intent of the  
9 regulations. The task at hand is to clarify  
10 the intent and expectations established in the  
11 regulations for organic dairy operations.

12 Upon providing such clarification,  
13 we should allow operations, regardless of  
14 their size or location," that is not a factor,  
15 "to determine how and if they can comply. The  
16 Farm Plan contains information about the  
17 location, crops and acreage and pasture and  
18 other forage that will be fed. The inspector  
19 verifies what has been written in the Farm  
20 Plan, so the Reviewing Committee can help the  
21 certifier make an assessment of compliance. A  
22 complete Farm Plan contains all this necessary

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1 information.

2 Things that are not flexible. The  
3 rule as currently written," and I think we can  
4 all agree on this, "has not been sufficient to  
5 maintain the original intent of the  
6 regulations. Greater consistency is needed  
7 among NOP-accredited certifiers," these two  
8 others. I think that's very important.  
9 Consistency is very important. I think that  
10 is something that all of us certifiers need to  
11 work on.

12 One minute. "Oregon Tilth also  
13 supports the NOSB's proposed exceptions to the  
14 general requirement for pasturing ruminants,  
15 for birthing, for dairy animals and up to 6  
16 months of age and for beef animals in the  
17 final finishing stage, as well as the NOSB  
18 clarification that lactation of dairy animals  
19 is not a stage of life that may be used to  
20 deny pasture for grazing." That is my  
21 favorite sentence right there.

22 "However, we believe the

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1 clarifying language should be in 205.239(b),"

2 which is a different section, but that is

3 regarding organic livestock operation. That

4 is contemporary confinement. "Also, we

5 support the language that ruminant animals

6 grazing on pasture during the growing season."

7 I think that's very well-written and that was

8 well thought out. "And by specifying that

9 ruminant animals will be grazing pasture

10 during the growing season, you can accommodate

11 for regional differences." Thank you.

12 FACILITATOR ANDERSON: Leslie?

13 PANELIST ZUCK: That sounded like

14 great policy to me. I feel like one of the

15 things that we have discussed is that with us

16 closing those two loopholes, the temporary

17 confinement based on stage of production being

18 changed to stage of life and also requiring

19 the access to pasture be changed to grazing

20 pasture during the growing season, will really

21 go a long way toward our goal of compliance

22 with the intent of pasture, because, you know,

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1 some of the farms that are using those clauses  
2 in the rule and interpreting them a little  
3 differently than some of the other  
4 certification agencies are allowing the  
5 interpretation to be -- they do have pasture  
6 on their farms and they are pasturing some of  
7 their animals.

8 They are just not pasturing their  
9 lactating animals, so they know what pasture  
10 is and I feel like at least those two steps  
11 would help our compliance problem immensely.

12 PANELIST McELROY: Yes. You know,  
13 somebody who is not here today that had a  
14 great quote about the organic community is  
15 Keith Jones, whom you all know, and he once  
16 said to me, he said, my God, you people can  
17 argue about what the meaning of is is. And,  
18 you know, it's really true. The regulation is  
19 really clear. Organic animals should be  
20 consuming pasture during all stages of  
21 production.

22 But somehow through this passive

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1 voice construction of access to pasture, the  
2 whole thing has slipped through our fingers  
3 and it's really unfortunate and I think really  
4 clear, simple terminology, grazing at all  
5 stages of production, these things I think  
6 can, hopefully, help us go back and enforce.  
7 I mean, I am all for whatever gets passed in  
8 the regs, what we're going to go enforce. If  
9 it's 30 percent dry matter intake, fine,  
10 that's where we're going to go.

11 But things like 30 percent dry  
12 matter intake are going to be difficult. It's  
13 going to be hard and do you want me to issue a  
14 notice of proposed suspension to a dairy on  
15 day 199 that they take the animals back in the  
16 barn? Do I issue a notice of proposed  
17 suspension on 29.5 percent of dry matter  
18 intake? Numbers are great. We can all verify  
19 them, except I don't know. Dry matter intake,  
20 verifying that is going to be a statistical  
21 challenge. We're going to end up getting some  
22 numerologists in here.

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1           So I think we need to go for the  
2           intent and we need to have the intent clear  
3           enough that we know we have got the  
4           enforcement and, you know, we have to work in  
5           unison here. We need an Organic System Plan  
6           that lays it out transparently, a rule that we  
7           can enforce, and then we need to go to a court  
8           for a day and get the interpretation. Thank  
9           you. Thanks.

10           FACILITATOR ANDERSON: Thank you.

11           Leslie, should the Organic System Plan be the  
12           focus of introducing regulatory changes? In  
13           other words, should specific requirements for  
14           a larger role for pasture be introduced and  
15           required in livestock producers' Organic  
16           System Plans, as was suggested by the NOSB in  
17           its guidance recommendation?

18           (Audio loss)

19           FACILITATOR ANDERSON: Okay. So  
20           did you get my question, the question to  
21           Leslie?

22           PANELIST ZUCK: Yes. Could you

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1 just repeat the end of it?

2 FACILITATOR ANDERSON: It really  
3 says should the change occur at the Organic  
4 Systems Plan? Should the regulations address  
5 it at the Organic Systems Plan and should  
6 specific requirements for a larger role for  
7 pasture be introduced and required in  
8 livestock producers' Organic Systems Plans, as  
9 was suggested by the NOSB in its guidance  
10 recommendation?

11 PANELIST McELROY: Well, if your -  
12 -

13 PANELIST ZUCK: I'll take -- I'll  
14 defer to Brian.

15 PANELIST McELROY: Well, I guess  
16 my answer would be I don't think so. I don't  
17 think we can do it here. The regulation says  
18 that the Organic System Plan can look like  
19 anything, it can be done in any way, shape or  
20 form you want to do it. It just has to comply  
21 with the regs. The Organic System Plan, all  
22 the wording in the regulation about what the

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1 Organic System Plan looks like and how we  
2 enforce with it, is pretty soft.

3 And, you know, Valerie, I hate to  
4 make work for you, but I really think the NOSB  
5 would do well to have five or six very widely  
6 formatted Organic System Plans in front of  
7 them so they can see how extremely broad the  
8 interpretation of what an Organic System Plan  
9 is and what it looks like.

10 And that is why I don't think the  
11 Organic System Plan is the way to try to  
12 enforce something like this where it's clear  
13 we need some real regulatory backbone, because  
14 we shouldn't be here today, but we are, and  
15 that points out that this thing is going to be  
16 hard and it has got to be specific and it has  
17 got to be tough and that is not going to  
18 happen in the OSP as far as regulatory.

19 FACILITATOR ANDERSON: Leslie?

20 PANELIST ZUCK: I read this  
21 question as -- I'm not sure exactly. I wasn't  
22 sure exactly what they were asking at first,

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1 but going from there to the next question, I  
2 thought maybe they were wondering whether this  
3 regulatory change for increased pasture  
4 restrictions should be in the part of the rule  
5 where it tells you what has to be in an  
6 Organic System Plan and/or should it also be a  
7 separate standard somewhere else in the  
8 regulation that we have to follow.

9 So I thought that was maybe part  
10 of what they were asking here and I don't  
11 think it really matters. I think that Brian's  
12 point is a good one. Whatever it is, we have  
13 to be consistent so that we are going to be  
14 verifying compliance with the information that  
15 we need. And I think his point was that we  
16 should take a look at the Organic System Plans  
17 that are out there and how different  
18 certifiers are gathering that information.

19 PANELIST STALLEY: And I would  
20 just like to say an important element of the  
21 System Plan that hasn't been mentioned is that  
22 is the producer's plan. He comes up with that

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1 or she and they decide how they are going to  
2 meet the regulations, not the certifier, not  
3 the NOP. A producer decides how they are  
4 going to comply.

5 Enforcement at that level, there  
6 could be some enforcement at that level. If  
7 you look at that System Plan and you review it  
8 before you go to an inspection, as you should,  
9 some of those issues may be able to be dealt  
10 with before the inspection. And then on  
11 inspection is another level of enforcement.  
12 The inspector is out there to make sure that  
13 plan is accurate and everything that they see  
14 here and so on is consistent with the plan.

15 FACILITATOR ANDERSON: Did you  
16 want to --

17 PANELIST ZUCK: I think maybe I  
18 would like to give an example that will maybe  
19 help people understand it. When we ask people  
20 to fill out their forms that actually  
21 constitute their Organic System Plans, you  
22 know, we could ask them do your cows receive a

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1 minimum of 30 percent dry matter intake from  
2 pasture?

3 We could ask that and the farmer  
4 may say yes, then that could be it. And we're  
5 like, okay, they do. Okay. Wait, we'll  
6 verify it when we get on the farm or they  
7 might say I have no idea how to calculate dry  
8 matter intake. You know, and that's probably  
9 what most of them are going to say, I don't  
10 know, or some people do know how to calculate  
11 that or what we could do is ask on the Organic  
12 System Plan all the information we need in  
13 order to calculate that, and that's what most  
14 certifiers, I believe, do at this point.

15 They ask what are your rations,  
16 how much have you rationed, how often are your  
17 cows out on pasture, how many hours do they go  
18 out on pasture, you know, what seasons of the  
19 year are they pastured and, you know, ask  
20 enough questions about their ration, specific  
21 questions, so that then when those forms come  
22 into our office, we can make that calculation

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1 and verify it.

2 So that would be an example of a  
3 broad range. The question could be do you do  
4 this and the farmer says yes or, you know,  
5 give us the information and we'll determine  
6 whether you do it.

7 FACILITATOR ANDERSON: Last  
8 question. Should a new standard be developed  
9 devoted to addressing a unique role of  
10 optimizing pasture in organic ruminant animal  
11 production systems?

12 PANELIST McELROY: Yes, yes. The  
13 slight qualification is I don't know if we're  
14 -- if optimizing pastures is really what  
15 consumers and the constituents to this body  
16 want, great, then let's -- we'll go out and  
17 enforce the optimizing pasture. But I think  
18 we need to get through the first step, which  
19 is just we all know the intent of the rule is  
20 that organic production systems should include  
21 pasture.

22 It should include pasture at all

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1 stages of production, and so let's just try to  
2 get there. Let's just get on that step first  
3 and then is optimizing 30 percent, is  
4 optimizing 10 percent, is optimizing 100  
5 percent? I don't know. So the optimizing  
6 word is the only part of this that causes me a  
7 little bit of hesitation.

8 But it is unfortunate that we're  
9 here, because I think the process that we went  
10 through 10 years ago and from there until now  
11 made it very clear what we were all trying to  
12 do, and so I would like to get there.

13 PANELIST ZUCK: I'm going to agree  
14 with that.

15 PANELIST STALLEY: Yes. And I  
16 would just like to say in addition we support  
17 those NOSB-proposed rulemaking changes.  
18 However, I think there needs to be -- and my  
19 question was flexibility, so I'm going to  
20 continue on the flexibility issue and I'm  
21 primarily addressing the NOP here in that we  
22 would need some kind of flexibility and some

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1 kind of time frame for operations who are not  
2 currently meeting that.

3 I think Albert is a good example.

4 I think it's clear that Albert has the  
5 intent. His intent is correct. However, his  
6 region can't meet that and in all fairness to  
7 him and all the other producers in that  
8 position, there should be some period of time  
9 where they can bring themselves into  
10 compliance. I don't know what that time  
11 period should be.

12 I don't think -- like Brian was  
13 saying, do we issue them a notice of proposed  
14 suspension? I say no. I say give them a  
15 chance to comply.

16 PANELIST ZUCK: And I will add to  
17 that as far as the standard goes, if we were  
18 going to be writing, writing a standard for  
19 pasture. We need to consider taking a look at  
20 the temporary confinement allowance, as well,  
21 because certifiers have complete discretion in  
22 that area as to determining what is and what

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1 is not temporary confinement, and how  
2 temporary is temporary. And, you know, we did  
3 get one of those policy statements a number of  
4 years ago that says temporary means temporary  
5 and so that was a great help.

6 I have to say though in all  
7 seriousness that we have this problem now, and  
8 the flexibility that I -- that's the area  
9 where we can find the flexibility in the rule.

10 So that if there is a situation where the  
11 farmer can only make 119 days instead of 120  
12 days, and it may be based on some of those  
13 factors that's in the temporary confinement  
14 section of the rule, but we also need to make  
15 sure that it's clear.

16 And I would like to have something  
17 like this added to the temporary confinement  
18 section that, you know, something has to  
19 happen, that the temporary confinement is only  
20 for a period of time that is measured by  
21 another factor that you can measure happening,  
22 such as if it is because of flood, then at

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1 what point, you know, do the cows have to go  
2 out again because what we have seen are  
3 animals being allowed to be confined  
4 temporarily, but with no end in sight, so to  
5 speak.

6 So we do need to take a look at  
7 that. It's going to be really important when  
8 we put in these, if we do put in these  
9 restrictions, and then say okay, well, you  
10 know, you had a problem or it might have been  
11 a disease outbreak in your area. You had to  
12 confine them. You didn't make your 120 days.  
13 You didn't make your 30 percent dry matter.  
14 The certifier says that's okay. But, you  
15 know, there has got to be some oversight  
16 there.

17 FACILITATOR ANDERSON: Mark, these  
18 have been addressed to you. Would you like to  
19 comment?

20 MR. BRADLEY: I would. Mark  
21 Bradley, National Organic Program.

22 I would like to thank you three

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1 particularly for coming in and getting up in  
2 front of this crowd and me of all people, too.

3 The order of business here is just incredibly  
4 well thought out. It wasn't by me, but to  
5 have all these producers in here coming in and  
6 saying we can do this, we can do this, we can  
7 do this and then to have the certifiers  
8 getting up there saying we see problems, you  
9 know, I tell you, it's very well-taken.

10 First, Brian, we have had a lot of  
11 people coming in, you know, experts talking,  
12 farmers talking that these programs, these  
13 production systems can be developed in a  
14 sustainable manner that are -- with  
15 sustainability demonstrated in the Organic  
16 Systems Plan using any variety of methods, you  
17 know, NRCS guidelines, proven carrying  
18 capacity of the ground, chews per day.

19 There is all kinds of ways that  
20 you can get from here to there on an Organic  
21 Systems Plan, setting it up in writing without  
22 ever having to go out and do the certification

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1 work. You know, that downside audit is to  
2 verify that. So you're looking at two  
3 different strategies here or two different  
4 steps and it's just the same thing that you  
5 have been doing all along. They have to have  
6 an OSP.

7 Now, are you saying in your  
8 comments that you can't, you know, because of  
9 the variety of operations and the variety of  
10 OSPs, come up with something that demonstrates  
11 compliance with that ground or as certifiers,  
12 and any of you can answer this, would you  
13 prefer to be very flexible on the Organic  
14 Systems Plans and then have certified  
15 operations keeping copious notes on how many  
16 days they keep things out there or how do you  
17 propose to verify compliance?

18 PANELIST McELROY: I got a little  
19 lost on the first question, Mark, sorry.

20 MR. BRADLEY: I did, too.

21 PANELIST McELROY: Were you  
22 addressing specifically the concept of 30

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1 percent dry matter intake or were you talking  
2 more about the current system right now, why  
3 are we finding it hard to enforce access to  
4 pasture during lactation?

5 MR. BRADLEY: Well, I'm looking  
6 more at it as a "to be" scenario because we  
7 all know what we have right now.

8 PANELIST McELROY: Right.

9 MR. BRADLEY: But they are talking  
10 about 30 percent DMI.

11 PANELIST McELROY: Right.

12 MR. BRADLEY: 120 days on pasture  
13 as a minimum.

14 PANELIST McELROY: Yes. I mean,  
15 we can go out and we can get people to lay out  
16 here is my feed rations, here is my plans,  
17 here is when they are in the field and we can  
18 get them to estimate what the dry matter  
19 intake is going to be, and we'll go back out  
20 and when the inspector is there -- I mean, we  
21 already do audits, how much organic hay did  
22 you buy, how much grain did you buy, you know,

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1 what is the rest from pasture, yes, when are  
2 they out. We can see that. They can keep  
3 logs.

4 So we can get there, but where  
5 it's going to get really crazy is, okay, the  
6 dry matter intake of this grass, my pasture,  
7 is X during the spring and then it goes to Y  
8 during the winter and then we have got three  
9 months in the fall where it has gone to X  
10 minus.

11 And, you know, I think from the  
12 nutritionists' point of view, this dry matter  
13 intake isn't just an off the cuff average  
14 calculation. The nutritionists are looking at  
15 this as really serious, you know, get down to  
16 the specifics and really try to get it right  
17 and, you know, varying conditions of pasture.

18 This guy is letting it get this long and his  
19 strategy is to quit here because he avoids  
20 parasites. Other guys, you know, we see it  
21 all the way down to the last inch and they are  
22 back out there every time it grows another

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1 inch.

2 And so, you know, it's just going  
3 to be hard. When somebody wants to take that  
4 dry matter intake calculation down to a level  
5 of detail, it's going to be really time  
6 consuming.

7 PANELIST ZUCK: May I? Well, I'm  
8 pretty sure at PCO we wouldn't probably ask  
9 our farmers to count how many bites per minute  
10 their cows are getting.

11 PANELIST McELROY: Yes.

12 PANELIST ZUCK: We could do that,  
13 but we rely very heavily on our inspectors  
14 when they go out to a farm and they look at  
15 the farm as a whole system and they see the  
16 grass, they see the cows, they see the  
17 condition of the cows, they see the quality of  
18 the feed. You know, they are out there and  
19 they see the pastures. They see that there is  
20 cow paddies in the pastures and that there are  
21 fences in the farm, that the cows are out.

22 And I believe that, you know, this

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1 will be one suggested way to do it. I'm not  
2 going to say we would do it this way, but the  
3 inspector would go out there and they could,  
4 you know, determine whether this farm appears  
5 to be meeting that standard.

6 And in the situation where there  
7 was a question or a borderline case or a very,  
8 very minimal overgrazed pasture, then we could  
9 require the farmer to keep specific records  
10 and make those changes to their plan, you  
11 know, their plan to improve their pasture or  
12 to require the animals to go out on pasture or  
13 a situation where there aren't -- it appears  
14 that they are not putting the animals out on  
15 pasture, we could require very specific  
16 records in their Compliance Plan to prove that  
17 they are meeting the standard.

18 But, you know, in 99 percent of  
19 the cases the inspectors are going to go out  
20 to Pennsylvania Certified Organic Farms and  
21 see these cows out on pasture, know that they  
22 are out 365 days a year, know that -- you guys

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1 driving around here, you see there is green  
2 grass out there and they are not really going  
3 to feel compelled to make the farmer prove it.

4 PANELIST McELROY: Yes, so why get  
5 out the calculator?

6 PANELIST ZUCK: Right.

7 PANELIST McELROY: Yes.

8 MR. BRADLEY: So you're saying  
9 that you could, when setting up an initial  
10 operation, verify that this farm is capable of  
11 maintaining a sustainable system that meets  
12 the standard without having to keep tons and  
13 tons of, you know, burdensome notes by the  
14 farmer?

15 PANELIST ZUCK: Yes, sort of. The  
16 third leg to that would be when we have a new  
17 applicant, that's a little different because  
18 when the new applicant fills out their first  
19 Organic System Plan forms, we want to know  
20 beforehand if their plan is going to meet the  
21 requirements.

22 We want to approve that plan in

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1 our office, so we need the information and the  
2 statistical information at some point before  
3 sending an inspector out there, because we  
4 usually do an approval process before they go  
5 out. But on an ongoing basis, the inspector  
6 would be the first line of compliance. That's  
7 just a suggestion. Don't hold me to it.

8 MS. ROBINSON: I don't know  
9 whether you do this now or whether you would  
10 consider doing it, but when you're about to  
11 certify a livestock producer, not just a dairy  
12 producer but any livestock producer, is it a  
13 matter of course that all livestock producers  
14 in their OSP have a Pasture Plan and they have  
15 to demonstrate that to you, a defined Pasture  
16 Plan?

17 PANELIST ZUCK: No, not a defined.

18 PANELIST McELROY: Yes. No, not a  
19 defined Pasture Plan. We get a lot of  
20 information, but we don't really have a  
21 defined Pasture Plan.

22 MS. ROBINSON: What about

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1 considering that as, you know, just something  
2 --

3 PANELIST ZUCK: I think the pieces  
4 are there in most cases and it could be  
5 redeveloped to actually call it that. I mean,  
6 we do ask how many acres of pasture do they  
7 have, you know, how many hours are the cows  
8 out on the pasture, how many hours are they  
9 inside. So, I mean, there are pieces of it  
10 there.

11 PANELIST McELROY: Right.

12 MS. ROBINSON: Right, right.

13 PANELIST STALLEY: In what level  
14 of detail are you thinking? I mean, if you're  
15 talking about full implementation of an NRCS  
16 Grazing Program, I think that might be  
17 overwhelming.

18 MS. ROBINSON: Well, I'm thinking,  
19 obviously if you're a livestock producer,  
20 according to this regulation, if you are a  
21 livestock producer, you better have pasture,  
22 right?

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1 PANELIST STALLEY: Yes.

2 PANELIST ZUCK: Oh, yes.

3 PANELIST STALLEY: That should be  
4 in the plan.

5 PANELIST ZUCK: That's already in  
6 the reg.

7 PANELIST STALLEY: That's in the  
8 plan.

9 MS. ROBINSON: That's in? Okay.  
10 It's in the reg?

11 PANELIST ZUCK: Yes.

12 MS. ROBINSON: And the OSP is a  
13 farmer's business plan, correct? Every farmer  
14 who wants to be organic has to have an Organic  
15 Systems Plan. That is his elemental business  
16 plan for how he is going to -- and it has six  
17 elements and he or she has to have that that  
18 says how they propose to, basically, abide by  
19 this regulation, manage their operation,  
20 whether they are a producer or a processor,  
21 how they are going to meet the regulations,  
22 how they are going to monitor their operation,

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1 their goals, their objectives, you know, all  
2 the quantitative whatever. I know, Brian,  
3 some of them are loose and pretty --

4 PANELIST McELROY: Yes. That's  
5 not what I have seen in the Organic System  
6 Plans.

7 MS. ROBINSON: I know, I know.

8 PANELIST McELROY: Yes.

9 MS. ROBINSON: But suppose if  
10 you're a livestock producer, it would seem to  
11 me you could and you should have a managed  
12 Pasture Plan within that Organic Systems Plan.

13 I mean, you have livestock.  
14 Therefore, you should also have a Pasture Plan  
15 that also says here is how I intend to manage  
16 the pasture, its physical description and then  
17 how I'm going to manage it to accomplish the  
18 standards in the regulation, and so how I  
19 would accomplish the goals of grazing my  
20 livestock and meeting the access to pasture,  
21 meeting all of the parts that are already in  
22 the regulation, right?

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1 PANELIST McELROY: It's not the  
2 way --

3 MS. ROBINSON: I guess that's too  
4 idealistic, right?

5 PANELIST McELROY: -- the  
6 accreditation implementation has gone.

7 MS. ROBINSON: But there is an  
8 idea. You know, I hear a lot about intent.

9 PANELIST McELROY: The --

10 MS. ROBINSON: We can't regulate  
11 intent, but we could regulate -- I mean,  
12 that's concrete and that would give you  
13 something to enforce. You don't have a  
14 Pasture Plan, you don't get certified.

15 PANELIST McELROY: Yes. So then  
16 do you have to define what the Pasture Plan  
17 looks like? Does the regulatory -- does the  
18 USDA then have to lay out here is the 10  
19 questions in the Pasture Plan?

20 MS. ROBINSON: Well, I don't  
21 define what the OSP looks like. I would  
22 assume that the farmer comes to you with an

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1 OSP and you say this doesn't cut the mustard  
2 or it does cut the mustard.

3 PANELIST McELROY: Right, but now  
4 you have got -- well, we have got 96  
5 accredited certifiers. You have got 96  
6 Organic System Plans that you have got to get  
7 in the same format and --

8 MS. ROBINSON: No, no.

9 PANELIST McELROY: No?

10 MS. ROBINSON: No. I mean, that's  
11 where your flexibility comes in but, you know,  
12 you know the reg. You look at it, but you  
13 also say for a livestock producer that comes  
14 to you, where is your Pasture Plan? How are  
15 you going to meet the regulation?

16 PANELIST STALLEY: I think a  
17 Pasture Plan should be part of an inspection  
18 as well. I think a lot of that could be  
19 verified on inspection. When the producer  
20 fills out their plan, they tell us how many  
21 acres of pasture they have. They tell us how  
22 many cows they have at each stage of

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1 production. And I think if you look at that,  
2 you can see if they are within a ballpark  
3 where they can meet that.

4 And then as far as how they are  
5 specifically meeting it, I think a good  
6 inspector should, if they are doing their job  
7 right, find that out for you and put that in  
8 their report and that is almost always the  
9 case.

10 And I think rather than trying to  
11 figure out what a producer is going to be  
12 doing with his farm for a whole entire another  
13 year -- because keep in mind that Farm Plan is  
14 for the whole year and I have been on enough  
15 farms to know that things go in and out the  
16 window as the year goes along and plans  
17 change. So I really think that will be  
18 something better to be incorporated into the  
19 inspection report.

20 PANELIST McELROY: So can I ask a  
21 question based on that? If the Organic System  
22 Plan has the Pasture Plan and there is no

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1 change in the reg, it's only enforced through  
2 the Organic System Plan, does the USDA  
3 National Organic Program feel like they have  
4 enough regulation to be able to enforce, you  
5 know, grazing on pasture during lactation?

6 MS. ROBINSON: Yes. What I hear  
7 you saying basically is enforce --

8 COURT REPORTER: Microphone,  
9 please. I'm sorry.

10 MS. ROBINSON: I'm sorry. What I  
11 hear you saying is enforce the regulation.

12 PANELIST McELROY: Well, yes,  
13 okay.

14 (Applause)

15 MR. BRADLEY: What you're saying  
16 is the reason we're here is to see how much  
17 pasture is enough and with the 120 days, we  
18 can enforce 120 days with or without the DMI  
19 requirement. We can enforce a DMI requirement  
20 for as many days as they are out on pasture,  
21 but with a number you can do that. Right now  
22 they have access to pasture and that's the

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1 whole problem. I mean, you can say access to  
2 pasture when they open the door at midnight  
3 and I don't think that reflects the spirit of  
4 the rule.

5 PANELIST McELROY: Right.

6 MR. BRADLEY: But with a number  
7 you can do that. 120 days, DMI, those kind of  
8 things, yes. And then, at that point, you can  
9 use all the tools that we have been presented  
10 with today, over the past couple of days, as  
11 to how you're going to get from Point A to  
12 Point B in 100 different combinations of ways  
13 without being too restrictive on the amount of  
14 records that they have to keep, but  
15 demonstrate that they have a sustainable plan  
16 that they are clearly a pasture-based system.

17 You can do that, but the Organic  
18 Systems Plan is where it has to be. Before  
19 you ever go out there on-site, you have to  
20 have a game plan to do that. You have to have  
21 a business plan and, like John said, you can  
22 look at it and see, tell whether or not it's a

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1 real deal, whether it's sustainable.

2 I mean, you can work the numbers  
3 to demonstrate at least a minimum compliance.

4 And what I'm hearing from all the farmers  
5 that are here, that they go way beyond that.  
6 For the most part, the people that have  
7 adequate access to pasture are going beyond  
8 the DMI requirements, the 120 days. Those are  
9 minimum.

10 MEMBER KARREMAN: Can I ask a  
11 question? Hugh Karreman, NOSB. With the OSP,  
12 that's kind of like the overarching thing and  
13 I'm glad if that's possibly enforceable, but  
14 we do have to have some, I think, minimums and  
15 that is more in the regulation then, right,  
16 where we would insert that.

17 But I know some people that are  
18 pretty well-versed in the industry would say  
19 that if we took out that access to pasture and  
20 we changed it to shall graze during the  
21 growing season or whatever the active verb  
22 would be, and we take out the exemption for

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1 stage of production and change it to a  
2 specific, like they were saying yesterday,  
3 sick cows can be off the pasture or very young  
4 stock, would that -- taking those two  
5 loopholes out, would we be where we want to be  
6 for the certifiers to enforce what we're  
7 trying to accomplish here in this symposium?

8 That is my first question. I have  
9 another, but so if we take out those two  
10 loopholes and add in the Organic Systems Plan,  
11 intent and everything, is that going to be  
12 enforceable in a court of law?

13 PANELIST ZUCK: I would say most  
14 certifiers I know are enforcing the pasture  
15 standard now.

16 MEMBER KARREMAN: Then how are  
17 some not?

18 PANELIST ZUCK: Because of the --  
19 it isn't being forced against the certifiers.

20 PARTICIPANT: That's an NOP  
21 question.

22 PANELIST STALLEY: Yes, that

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1 really is an NOP question, I believe.

2 MEMBER KARREMAN: Then how is it  
3 then that some are not enforcing it? How are  
4 some certifiers not enforcing it? Is it  
5 because of those two supposed loopholes? I'm  
6 just wondering. I want to know.

7 MR. BRADLEY: Mark Bradley,  
8 National Organic Program. The problem comes  
9 in when they are interpreting the rules, when  
10 they are saying what is access. That is  
11 where, you know, the flexibility in their mind  
12 comes in. So getting a number would get us to  
13 having that.

14 What you're saying about grazing  
15 during the growing season, you may run into  
16 problems when you have, you know, very arid  
17 climates that, you know, there won't be a real  
18 grazing season. They are having to operate  
19 strictly on irrigated ground, bringing in  
20 fjords, those types of things. And that gets  
21 to, you know, what do the people want? What  
22 do they want that standard to reflect? And if

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1 it's minimum 120 days, then we can work with  
2 that number.

3 MEMBER KARREMAN: And that kind of  
4 goes to the second question. There is a lot  
5 of factors or variables we can look at, 120  
6 days, 30 percent. We heard three cows per  
7 acre. I tossed out eight hours per day during  
8 some deliberations in the Livestock Committee  
9 meeting and someone else has mentioned percent  
10 biomass to do clippings occasionally.

11 Now, okay, so that's five factors,  
12 that perhaps to take into account different  
13 geography of the country that could the  
14 certifiers or the NOP allow that if there is  
15 like two out of the five or three out of the  
16 five that are met, depending on your geography  
17 and whatnot, would that be okay or would that  
18 be giving loopholes?

19 So let's say you could make 120  
20 days, eight hours a day, three cows per acre,  
21 let's just say three of the five factors I  
22 have mentioned here that have been tossed

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1 around, would that be enforceable and would  
2 that, you know, ensure customer, you know,  
3 assurance that the milk is from cows out on  
4 pasture? Do you understand what I'm saying?  
5 Options. That's what I'm asking then. Can  
6 there be options to choose from?

7 PANELIST ZUCK: Well, there's a  
8 couple of levels. You're asking about whether  
9 something is enforceable and the certifier's  
10 role is to verify compliance with that. You  
11 know, we would verify compliance with those  
12 factors, you know, and whether it is then  
13 enforceable comes down to whether that -- if  
14 that client were to appeal because we denied  
15 certification, then it shifts over to the  
16 enforcement arm of this reg, which is over  
17 there.

18 MEMBER KARREMAN: Right. I  
19 apologize. I probably should have asked the  
20 former group, but I did want to ask it at some  
21 point during the symposium. But, you know,  
22 basically, can you have two out of five

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1 options, three out of five and make it to be  
2 certified an organic dairy?

3 PANELIST STALLEY: I think that's  
4 going to complicate the matter, personally.  
5 Who gets certified, the guy that makes two out  
6 of five, the guy that makes three out of five?

7 MEMBER KARREMAN: Oh, no, no, no.  
8 You say it's going to be three out of five.  
9 You got to meet three of these five things at  
10 least.

11 PANELIST STALLEY: I would rather  
12 see where you have to meet all of them.

13 (Applause)

14 MEMBER KARREMAN: I mean, it would  
15 take into account geographic variability is  
16 what I'm trying to help you --

17 PANELIST ZUCK: Well, also, I  
18 think that that is a good point because if  
19 there is a pasture standard, there would be a  
20 list of factors that the certifier uses to  
21 demonstrate compliance to determine whether  
22 there is adequate pasture and those things

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1 would be listed there, and the goal should be  
2 to meet them all.

3 And if we do have a producer who  
4 isn't meeting all of them and there is nine  
5 and they are meeting eight, then that is a  
6 noncompliance and they work toward meeting  
7 that other one in the next round of  
8 certification, the next year or the next three  
9 months or whatever period of time we would  
10 allow them to do that.

11 I mean, that would be one way that  
12 that could happen, essentially require  
13 compliance with all of those factors that you  
14 named but, you know, at least be able to  
15 certify them if, you know, they have  
16 demonstrated the ability to meet those  
17 requirements even if they are not meeting them  
18 right now.

19 MEMBER KARREMAN: I guess what I'm  
20 thinking about, let's say like Albert where  
21 his intent is fully there. Everyone is saying  
22 that, right? Okay. Okay. But he is going to

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1 get snagged, let's say, or someone like him  
2 by, you know, just if we look at two factors,  
3 that's it.

4           Whereas, if there were, you know,  
5 four or five to choose from, he may well make  
6 it and he has the full intent there in the  
7 spirit of law and whatnot, but because of  
8 where he is located, it's a little more  
9 difficult. But, gee whiz, you know, he has  
10 got the intent.

11           PANELIST ZUCK: I did hear some of  
12 the farmers saying -- I brought that up at one  
13 of the meetings we had, you know, whether we  
14 could do either/or, you know? Some farmers,  
15 it might be easier for them to keep track of  
16 the 120 days, so many hours.

17           Other farmers might prefer to keep  
18 track of the dry matter intake since it seemed  
19 to me that they were tied together, one sort  
20 of equaled the other, and it was brought up  
21 that, well, you know, you could have 120 days  
22 on pasture and not get anywhere near that

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1 percentage dry matter intake.

2           You know, so that's not my  
3 opinion. That was just something that the  
4 farmers felt that they had a serious concern  
5 that that might be unfair because it would  
6 lower the minimum.

7           MEMBER KARREMAN: Okay. I will  
8 finish on this, but this would be assuming  
9 that the current descriptions of the pasture,  
10 giving nutritive, you know, value to the cows  
11 and whatnot, all the soil erosion stuff and  
12 whatnot, are still in place.

13           PANELIST ZUCK: Right. Oh, yes.

14           MEMBER KARREMAN: Sorry if I  
15 didn't mention that.

16           PANELIST ZUCK: Yes, and I agree  
17 with that, yes. I feel that we could manage  
18 with an either/or situation.

19           MEMBER KARREMAN: Okay.

20           PANELIST ZUCK: Brian?

21           MEMBER KARREMAN: I don't know if  
22 it goes over there.

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1                   MEMBER GIACOMINI:    Dan Giacomini,  
2   NOSB.   In regards to the dry matter intake, I  
3   work with this on a daily basis and sometimes  
4   it takes me months to determine what dry  
5   matter intake is.   When you're dealing with a  
6   situation of someone saying well, no, my cows  
7   aren't 1,000 pound body weight, they are  
8   1,100, no, it's not 3 percent, it's 4 percent,  
9   my grass is 18 percent not 20, how do you  
10   verify that within the time frame of one  
11   inspection?

12                  PANELIST McELROY:   No, I don't.

13                  PANELIST ZUCK:    Yes.

14                  PANELIST McELROY:    I don't.    I  
15   don't want to.   I can't.   I'm not qualified.  
16   You win.

17                  PARTICIPANT:    You can't do that.

18                  PANELIST McELROY:    Yes, I know.   I  
19   mean, I hear you.   I mean, I have worked with  
20   Dan and I have worked with some of the other  
21   nutritionists in the region and they have all  
22   come to me with some pretty complex scenarios.

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1 PANELIST ZUCK: Yes, I mean, and  
2 if there is a standard and we're asked to  
3 verify compliance with that standard and we're  
4 told how to verify compliance, we'll do it.

5 MEMBER MOYER: Jeff Moyer, NOSB.  
6 In that same vein of thought, would it -- and  
7 that is why Hugh just mentioned the idea of  
8 biomass cuts. Would it be possible for  
9 producers to take cuts every -- even if it's  
10 only every 30 days, so you have some idea of  
11 what the cows were in. You would have the  
12 number of days they are standing out there.  
13 At least you would have some idea of whether  
14 they are standing on dirt or whether they are  
15 standing on grazable pasture.

16 PANELIST McELROY: I think we can  
17 figure out whether they are standing on dirt  
18 or grazable pasture without taking biomass  
19 every three months.

20 MEMBER MOYER: But without some  
21 sort of documentable number, we are back where  
22 we are today.

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1 PANELIST ZUCK: Well, I --

2 MEMBER MOYER: Unless you can  
3 document that they are standing on something  
4 that is grazable and how do you measure that  
5 and document it, I don't know.

6 PANELIST ZUCK: I don't really  
7 know much about biomass cuts. I imagine  
8 somebody has to do it and analyze it and pay  
9 for it and all that, but I do say that, you  
10 know, still it would be unfair to the 125  
11 certified organic dairy farmers that clearly  
12 have pasture, there's no question about it  
13 that those cows are grazing pasture higher,  
14 60, 70 percent dry matter intake for pasture,  
15 and be asking them to do those sort of tests  
16 to prove it. I don't think that would be  
17 fair.

18 PANELIST STALLEY: I would like to  
19 take the middle road here if I may. I think  
20 the calculation is doable. I think it could  
21 be done in the Farm Plan by the producer. I  
22 saw the formula yesterday. Is it still out

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1       there? But it's not that hard to calculate it  
2       once for the whole year. You have already got  
3       all that information. Throw it into the  
4       formula, see where it comes out.

5               And I wouldn't argue with anybody  
6       that that's full of holes and there's all  
7       kinds of problems with that. Yes, there is  
8       lots of problems with that. There is lots of  
9       variables in this, but we need something, some  
10      kind of teeth or something, that we can do to  
11      make sure that -- and, yes, that is very  
12      oversimplifying pasture management, but maybe  
13      it's a number. It's better than no number.

14             And it has got to be something  
15      that the producer -- we have got to keep in  
16      mind dairy farmers need to -- we need to  
17      implement something they can do. They already  
18      have trouble with the paperwork. Let's not  
19      make it harder for them.

20             PANELIST ZUCK: And we did have  
21      farmers concerned that they really didn't  
22      know. They were concerned like they are

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1 certified, they are going through their year  
2 and then this pasture standard is going to  
3 come up to them and they are not going to even  
4 know if they have met it throughout the year.

5 They are nervous about that. They want to  
6 comply. They want to make sure they can  
7 comply and they don't know if they do. We  
8 have to keep their point of view in mind as  
9 well.

10 MEMBER SMILLIE: Following up on  
11 the easy tool, and I hate to beat the poor cow  
12 to death, but would it be fair to say that  
13 what I heard from you guys earlier that a  
14 clarification, a definition and a stiffening  
15 of temporary confinement and the same thing,  
16 clarification, stiffening and defining of  
17 grazing pasture at all stages of production,  
18 is that the route that you three would prefer  
19 to go rather than, let's say, the combination  
20 of five factors including the 30 percent and  
21 the 120 days?

22 PANELIST McELROY: You know, we'll

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1 go out and we'll enforce whatever gets passed  
2 by law and by regulation.

3 MEMBER SMILLIE: That's clear.  
4 That's clear that you'll -- you know, that's  
5 our job.

6 PANELIST McELROY: Yes.

7 MEMBER SMILLIE: We enforce  
8 regulations, but do you think that we would  
9 achieve the intent of the law and the intent  
10 of what we have heard for the last two days  
11 and for the three years, five years, 10 years  
12 previously? Do you think that we could do  
13 that, enforce compliance to the intent of the  
14 law by cleaning up and stiffening those two  
15 sections, temporary confinement and grazing  
16 pasture at all stages of production?

17 PANELIST McELROY: I guess --

18 PANELIST ZUCK: I think it will  
19 help.

20 PANELIST McELROY: Yes.

21 PANELIST ZUCK: But it's not going  
22 to satisfy the needs of, I think, the farmers

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1 in this room and the consumers who are mostly  
2 not in this room. I think it would help  
3 greatly and it would get us a huge step  
4 forward from where we are, but it's probably  
5 not where we want to be yet.

6 PANELIST STALLEY: And I would  
7 just like to say that I really think the  
8 language needs to be changed. It's not  
9 working the way it is now. You know, just set  
10 all that other stuff aside. It needs to be  
11 changed.

12 MEMBER CAROE: Andrea Caroe, NOSB.  
13 My questions -- actually, I would like you to  
14 comment on something that I see happening. I  
15 see that there is actually two factors at work  
16 here. One, we have intent which is reflected  
17 in plans or the Organic Systems Plan, but then  
18 the other part of this is how you implement  
19 the plan, which is what certifiers verify. Is  
20 it being implemented and is it working?

21 And so in your role in verifying  
22 that plan, in verifying that it is effective,

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1     what tools or what metrics wouldn't be  
2     necessary for you to be able to quantify  
3     whether that is effective or not and are you  
4     concerned? And I think I heard this from you,  
5     Brian, that you're concerned with setting  
6     those numbers and really being able to be  
7     comfortable with somebody that falls below  
8     that benchmark and saying, I'm sorry, you're  
9     not certifiable.

10                 PANELIST McELROY:     Yes.     It is  
11     much easier to deal with things like fungicide  
12     treated seed. It is prohibited. It's a lot  
13     harder to deal with 10 percent fungicide  
14     treated seed as allowed. You know, it's -- it  
15     would, in my mind, and it is a lot easier to  
16     deal with cows will graze. They must graze at  
17     all stages of production during the growing  
18     season. It seems to me that that is a  
19     standard and I think we can enforce it.

20                 But I am concerned with a number  
21     that individuals can't meet for some regional  
22     issue or some specific thing and, you know, do

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1 we start causing people harm at 25 percent dry  
2 matter intake or 35 percent dry matter intake?

3 So maybe dry matter intake is a range, you  
4 know. Do you want to give us a range? That's  
5 something that's a little easier to enforce  
6 in. I don't know.

7 Hitting a specific target, you  
8 know, totally off the topic, I think, the  
9 uniform reg was the biggest mistake we ever  
10 made, because we all have to put on the same  
11 jacket. We all have to get inside the box. A  
12 baseline everybody has to get on the baseline,  
13 it's much easier to enforce. Now, if people  
14 want to go above, to the side, below, fine,  
15 let them go, but everybody gets on the floor.

16 But because we have got this  
17 uniform reg, if you put a number on it, if you  
18 put a number on a uniform reg, everybody has  
19 got to be there and that's a problem.

20 PANELIST ZUCK: And the tools that  
21 you were speaking or asking about, Andrea, I  
22 have to continue to say that our biggest and

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1 best tool are the eyes of our inspectors.  
2 They are going out to these farms and they --  
3 there is really no question about compliance  
4 on the huge percentage of the farms. And  
5 where there is questionable is where we would  
6 need to have the numbers. And that's why the  
7 farmers are pushing for it, because we need it  
8 for the questionable areas.

9 PANELIST MCELROY: I mean, Andrea  
10 and Joe, you guys are in certification, too.  
11 You've been involved in certification, so you  
12 are as aware as we are of how did we get here.

13 I mean, this is a public/ private  
14 partnership. The public agrees to be  
15 regulated and the regulation is established  
16 for the public interest. If we all figure out  
17 how to make the regulation not quite work,  
18 because we want to weasel word this or figure  
19 out that, then we go back and we apply more  
20 regulation and the public doesn't like being  
21 over regulated.

22 So the public/private partnership

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1 here is that if we're going to continue to  
2 push the limits of the regulation to get  
3 whatever we want whatever way we can, then  
4 we're going to get ourselves more regulation  
5 that we may or may not want. So, you know,  
6 there is 90 percent of the milk going through  
7 about five marketing points and, you know,  
8 those parties are in control of this thing.  
9 And if they want to avoid additional  
10 regulation, then they can pretty much solve  
11 this problem overnight.

12 (Applause)

13 MEMBER JAMES: I know we're  
14 running close on time, so I'll just skip to  
15 one question, even though I have several.  
16 First, thank you for your certification  
17 expertise and your presentations. I know you  
18 are speaking on behalf of a lot of other  
19 certifiers out there who may not necessarily  
20 adhere to the same principles that your  
21 organization stands for.

22 I want to go back to the comment

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1 about that John you made regarding the  
2 regulations not being quite clear enough and I  
3 wanted to just read this 205.237(a), "The  
4 producer of an organic livestock operation  
5 must provide livestock with a total feed  
6 ration composed of agricultural products,  
7 including pasture." And so even though I  
8 understand that you are saying that the NOP  
9 should be responsible for reinforcement, I say  
10 that this is ultimately going to be a huge  
11 issue for certifiers, no matter how it comes  
12 out.

13 And how did we get to the point  
14 where with this being very clear, I mean, you  
15 know, I'm not a certifier, but it seems very  
16 clear to me that there are operations  
17 currently not adhering to this, that's why  
18 we're here, so how is it that a certifier  
19 would not interpret this and look at the  
20 Organic System Plan to be held to this  
21 regulation that's documented.

22 PANELIST STALLEY: That's a very

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1 good question and as far as -- I think it  
2 comes down to interpretations and there are  
3 some interpretations that when I hear them, I  
4 can't believe what I'm hearing, seriously.  
5 Access to pasture. Okay. I cut the hay and I  
6 brought it across the road and I threw it -- I  
7 gave it to the livestock. I fed it to the  
8 livestock. They have access to that pasture.  
9 I'm bringing it to them. Now, that's not the  
10 intent. But that's a real life scenario from  
11 what I understand.

12 MEMBER JAMES: Okay. Cell phones  
13 that go off, you have to buy everybody a  
14 drink.

15 PARTICIPANT: I'm sorry.

16 (Applause)

17 PARTICIPANT: That's his reminder  
18 that he has to be on a plane.

19 PARTICIPANT: I have to get on a  
20 plane in about 10 minutes, so I have to keep  
21 my clock going. I'm sorry.

22 MEMBER JAMES: Okay. You know, I

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1 raise this because I think it's really a very,  
2 very important question to this particular  
3 issue and that we will be going around this  
4 gerbil cage forever until we figure out how in  
5 the world can we get the certifiers to help  
6 adhere to obvious --

7 PANELIST STALLEY: No, I agree and  
8 I've been there. I've gone through it and I  
9 feel stupid as hell for it. But it boils down  
10 to okay, so I gave them access to pasture.  
11 Here it is. You never told me it had to be  
12 this much or this big or this tall. Yes,  
13 that's right. Okay. You gave them access to  
14 pasture, but, you know, I think there could be  
15 continuous improvement.

16 Well, how long are you going to  
17 just poke me in the side and tell me  
18 continuous improvement? Tell me what I got to  
19 do. How many acres do you want? How many  
20 cows on how many acres? And, you know,  
21 looking through the rule, I don't have it. I  
22 can't tell you. Well, then I did it. I'm

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1 done. You know, and I don't feel good about  
2 it, but there is how we end up in those  
3 situations.

4 Access to pasture, total feed  
5 ration. Is the total feed ration average for  
6 the year? Yes, generally, in the Organic  
7 System Plan we're talking about a total feed  
8 ration description that descriptive of the  
9 operation, not just today and not just  
10 tomorrow, but through the whole year. So we  
11 end up with a total feed ration that describes  
12 access to pasture, but then you start digging  
13 in to it and you find out the dry cows have a  
14 lot of access to pasture, that's through the  
15 stage of production of becoming a mature  
16 animal that can be pregnant, that can be  
17 milked. That's all pasture.

18 You know, there is great pockets.  
19 The system as a whole has great pasture  
20 access, but then there are these pockets.  
21 There is just none any more. And that's how  
22 we end up in these things.

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1           MEMBER JAMES:   Would it be helpful  
2   if the certifiers, all certifiers had a  
3   general outline for the OSP that would  
4   basically make it very clear what is expected  
5   for the Organic System Plan?

6           PANELIST STALLEY:   Yes, I think a  
7   general outline on the Organic System Plan all  
8   the way from, you know, identifying the  
9   parcels all the way through to the end of the  
10   materials you use for growing livestock,  
11   production and handling and that's, you know,  
12   why I have asked that the National Organic  
13   Standards Board at some point just survey some  
14   of the OSPs that are being used by the  
15   Accredited Certification Programs and ask  
16   yourself if that tool is really working the  
17   way everybody expects it to work. Because my  
18   expectation is no it's not working the way you  
19   think it works.

20           MEMBER JAMES:   Okay. And I will  
21   just add to the access to pasture example that  
22   the enforcement depends on the interpretation

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1 of the program, the program's ability to  
2 enforce that. So in other words, if this  
3 producer comes to us and says what John -- the  
4 scenario that John gave where they are just  
5 clipping the pasture and bringing it over and  
6 we deny certification, we say oh, gosh, that  
7 doesn't wash with PCO, that ain't pasture and  
8 they appeal it, then it's up to them to decide  
9 whether they can go forward with that based on  
10 what's in the rule and what, you know, they  
11 have in their tool box. Am I right?

12 FACILITATOR ANDERSON: Do you have  
13 a question? I do have one question from the  
14 audience and I remind everyone that all these  
15 questions will be scanned. Sorry. I do have  
16 one question from the audience that I would  
17 like to throw in, because I think it's no less  
18 or no more important than others, but we don't  
19 have time for all of them. And all of these  
20 questions will be scanned into the record.

21 But the question is do we have any  
22 idea of how many farms operations or whatever

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1 they are are operating without meaningful  
2 access to pasture? Well, that's the back.  
3 That is the back. I mean, the original  
4 question was does anyone know who prior to  
5 OFPA was certifying dairy without access to  
6 pasture and the second part is do we know now  
7 how many dairies that don't have pasture being  
8 certified?

9 PANELIST McELROY: Well, prior to  
10 OFPA, I do not believe that CCOF standards had  
11 a very detailed access to pasture. I think it  
12 was a very detailed Pasture Program. It was  
13 100 percent organic feed. That was the real  
14 focus of and it's why CCOF didn't certify any  
15 dairy until the National Organic Program was  
16 implemented. But, no, we did not have a  
17 Pasture Program prior to the NOP.

18 PANELIST ZUCK: No, the same  
19 answer.

20 PARTICIPANT: I can't answer that.

21 FACILITATOR ANDERSON: And I would  
22 add the historical perspective to this is that

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1 all of us who were producing and sitting at  
2 the NOSB in the '90s had no access to organic  
3 labeling in dairy or livestock. And so one of  
4 the reasons we are in the dilemma today is  
5 that this is an evolving process where most of  
6 us didn't have experience. I mean, we had our  
7 own experiences and we knew what we were  
8 doing, but it was -- it is an imperfect  
9 process and it's a perfect process, because  
10 it's always going to be evolving and that's  
11 where we are today.

12 I would like to take just about a  
13 two minute break to change from regulation --  
14 from certifiers to the consumer and thank  
15 these guys very much for coming up.

16 (Applause)

17 FACILITATOR ANDERSON: Order or  
18 there will be no lunches. So those of you who  
19 are interested in having lunch, please, take  
20 your seats. If you are not, please, leave the  
21 room.

22 (Whereupon, at 11:24 a.m. a recess

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1 until 11:33 a.m.)

2 FACILITATOR ANDERSON: We're now  
3 beginning the session marketing expectations  
4 and consumer perceptions. We're going to  
5 begin with Margaret Wittenburg from Whole  
6 Foods Market.

7 MS. FRANCES: And just a quick  
8 comment, yellow cards for market questions.  
9 I'll be passing those out.

10 PANELIST WITTENBURG: All right.  
11 Thank you. It has been great being able to be  
12 here with you today. I'm a former NOSB member  
13 and have a lot of heartfelt thanks for all of  
14 you here. I know how much work it is, but  
15 it's very gratifying work and a very much  
16 pleasure to be part of the audience as well in  
17 this really important symposium.

18 So what I'm going to talk about is  
19 the market expectations perceptions. I mean,  
20 obviously, you do all this work, all the  
21 farmers do the work to get the product  
22 according to the organic standards and then

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1 you have to sell it and that's where the  
2 retailers come in. And I am from Whole Foods  
3 Market. I've been with the company for 25  
4 years and had my own store in Wisconsin before  
5 that for four years. So this is near and dear  
6 to my heart and near and dear to the people  
7 that work at Whole Foods Market. Many of us  
8 have been here in the industry for 20 plus  
9 years.

10 Okay. So what I'm going to be  
11 talking about are these three main questions.

12 What are consumer perceptions and  
13 expectations about organic? What are consumer  
14 perceptions and expectations about organic  
15 dairy and pasture? And what are Whole Foods  
16 Market's expectations as a retailer regarding  
17 pasture and organic dairy?

18 Okay. Well, for several years  
19 Whole Foods Market has done its own organic  
20 trend tracker. We check about 1,000 customers  
21 who represent the American population each  
22 year and asked them about their consumption of

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1 organic and things of change and so forth.  
2 This past year, this is the fall of 2005,  
3 nearly two-thirds of Americans have tried  
4 organic foods and beverages and this is  
5 certainly a jump from the last two prior years  
6 and from just over half.

7 In 2005, people were saying that  
8 10 percent of them consumed organic foods  
9 several times a week, this up from 7 percent  
10 in 2004. And 27 percent said that they consume  
11 more organic foods and beverages than they did  
12 in 2004.

13 Now, the awareness of the Organic  
14 Seal, many of us were anxious to have the  
15 Organic Seal, because that was going to be the  
16 demarkation for the consumers that they knew  
17 that there were consistent standards  
18 throughout the country. And we find that  
19 there definitely is an awareness of the USDA's  
20 Organic Seal, especially among organic users,  
21 but even the general public, the GP means  
22 general public, even they are aware of the

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1 organic seal.

2           The impact has definitely had a  
3 positive impact on organic users that has  
4 increased their purchases, again, that  
5 consistency of knowing that the standards are  
6 real and make sense throughout all the  
7 country. Now, the perceptions of the term  
8 organic, you've probably seen this chart quite  
9 a few times and, you know, when people are  
10 asking consumers about what they think about  
11 organic, these are the typical things that  
12 come up: No chemical pesticides, no  
13 chemicals, natural ingredients, no additives,  
14 no preservatives, artificial flavors,  
15 artificial colors, not highly processed,  
16 better for the environment and so forth and so  
17 on.

18           I think it's interesting that for  
19 the general public the organic consumers and  
20 the non-users all are pretty much in sync with  
21 this. Different percentages, but as far as  
22 what's the most important to them, it goes

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1 down the line. And we have also found that  
2 there is a real progression of people going  
3 from kind of expanding the organic horizons of  
4 what they get into.

5 Stage 1, dairy is definitely that.

6 People who don't even know much about organic  
7 know that there is something different about  
8 organic dairy milk and we will get into that  
9 and find that is one of the first stages of  
10 getting into the buying more organic food.  
11 But we found that with the organic dairy  
12 demanding growing, there is certainly a lot  
13 more outlets and a lot more channels that  
14 consumers are able to get into.

15 So now, supply is very short. The  
16 current growth demand per year we're finding  
17 is 25 to 30 percent. The projected growth  
18 with our new supply of organic milk is 15 to  
19 20 percent giving us a projected shortfall of  
20 10 to 15 percent. And we figured this equals  
21 about 100,000 cows per year needing to get  
22 into dairy each year. And this isn't even

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1 looking at organic dairy ingredients, such as  
2 cheese, milk powder, etcetera.

3 And the organic price premium is  
4 real. This is something we did price check in  
5 San Rafael in February of this year and you're  
6 looking at quite a significant price premium.

7 Consumers are willing to pay that, because  
8 they feel that they are getting something  
9 special.

10 Okay. We know that. We know what  
11 organic people are looking for in general  
12 about organic, but what about pasture? It's a  
13 question that people haven't specifically  
14 asked and we felt was really important to ask.

15 Within that, we have the -- you know,  
16 consumers' concerns are really growing about  
17 their food. Food safety, we know about  
18 pesticides, antibiotics and hormones. People  
19 are very concerned about that.

20 Animal welfare is definitely an  
21 issue, especially with Whole Foods Market  
22 consumers and our Whole Foods Market

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1 leadership. Transparency, the source, people  
2 want to know about where their food comes  
3 from. It's very important to them to have  
4 that connection. And then land management and  
5 environmental standards is very important as  
6 well, looking at land stewardship and  
7 sustainability.

8           There has been a lot of media on  
9 organic in general. And just a snippet on  
10 organic dairy and I think this is one of the  
11 most interesting ones that was in the New York  
12 Times in November and they were saying that  
13 the ethos of organic milk, one that has  
14 cartons reinforced conjures lush pastures and  
15 so forth and so on, things that have been  
16 brought up before in these past couple of  
17 days.

18           But I think this was an  
19 interesting quote that they said, "But  
20 choosing organic milk doesn't guarantee much  
21 beyond this. It comes from a cow whose milk  
22 production was not prompted by an artificial

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1 growth hormone, whose feed was not grown on  
2 pesticides and which had access to pasture, a  
3 term so vague it could mean that a cow might  
4 spend most of its milk-producing life confined  
5 to a feed lot eating grain and not grass." So  
6 the question that was out there to the  
7 consumers, is what is being portrayed, is that  
8 really happening?

9 So we thought let's ask our  
10 consumers. Again, how many people have  
11 actually been asked specifically about  
12 pasture? We felt let's ask. We have a  
13 Fl@vors email newsletter that people can opt  
14 into. We have many, many, many thousands of  
15 people who have opted into that in our 183  
16 stores that we have.

17 And so what we did is we can send  
18 out a survey to our customers, and we did this  
19 on just April 12<sup>th</sup>, this is quite recent, and  
20 here is a question that we asked. We said  
21 "When choosing organic milk and choosing other  
22 dairy products, what is important to you about

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1 the conditions in which the organic dairy  
2 cattle are raised? Check all that apply.  
3 Spend more time outdoors than indoors; most of  
4 their food is from pasture; have access only  
5 to the area outside of the barn; have access  
6 to the outdoors only on nice days; raised on  
7 pasture all year round; have access to the  
8 outdoors when they choose; and have access to  
9 pasture a couple hours a day."

10 So the results, in one day we had  
11 18,450 responses. This is an important issue  
12 for people and I haven't read what are the  
13 highest answers there. Spend more time  
14 outdoors than indoors, 60 percent of these  
15 people, most of their food is from pasture, 69  
16 percent, raised on pasture all year round, 42  
17 percent, have access to the outdoors when they  
18 choose, 51 percent. These are consumers of  
19 organic dairy at Whole Foods Market and giving  
20 their opinion, and this is just in a chart  
21 form where you can see how all that played  
22 out.

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1           So we thought, well, let's ask  
2 people who are not our customers, so we did  
3 the same question in the same week to 1,000  
4 respondents representative of the U.S. adult  
5 population, did this online, and interestingly  
6 enough the same issues were highlighted. You  
7 know, the percentages were different because  
8 these weren't organic consumers, but, again,  
9 spend more time outdoors than indoors, most of  
10 their food is from pasture, raised on pasture  
11 all year round, have access to outdoors when  
12 they choose. Those were the highest  
13 assumptions of people of what organic milk  
14 should be and is.

15           So bottom line for consumers.  
16 Organic dairy is considered the gold standard  
17 with high expectations. They are paying a  
18 lot. They are expecting a lot. Pasture-based  
19 year round not simply access to pasture for  
20 animals raised organically along with the  
21 pasture supplying much of the animals'  
22 nutrition is assumed by most Whole Foods

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1 Market and general public as status quo and  
2 few can fathom animals from whom our derived  
3 certified organic products would have anything  
4 less.

5 Okay. So now, how about as a  
6 retailer, what do we or how do we feel about  
7 it? Well, we have been real clear about it.  
8 In March of last year we gave testimony to the  
9 National Organic Standards Board, said Whole  
10 Foods Market supports a national organic  
11 standard which requires that all ruminant  
12 livestock be grazed on pasture in order to  
13 allow that livestock to fulfill its natural  
14 behavior as closely as possible and to respect  
15 the expectations of organic consumers.

16 September 2005, we put all of our  
17 producers on notice and said we believe that  
18 organic consumers expect that organic milk  
19 comes from cows which are given access to  
20 pasture. We fully expect our organic dairy  
21 vendors to meet or exceed the recommendations  
22 made by the NOSB with regard to the amount of

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1 pasture provided for animals, percent of dry  
2 matter intake from pasture and the percentage  
3 of time per animal spent on pasture.

4 Now, within Whole Foods Market the  
5 animal welfare is so important to us, we felt  
6 we wanted to highlight the producers who are  
7 really doing an outstanding job and really  
8 focusing on the animal, and also to push the  
9 industry knowing that, one, there was a market  
10 for this and also just to really encourage  
11 innovation to get this moving a little faster.

12 So we created our own animal  
13 compassionate standards, started this in  
14 November of 2004, and it is a further  
15 enhancement of our already very strict natural  
16 animal standards. And one of the prior folks  
17 who was giving his talk here kind of  
18 referenced that it's not very easy getting  
19 meat in at Whole Foods Market. My team looks  
20 at it. We're on the farm. We're in  
21 slaughterhouses. We're really looking and  
22 we're asking some very, very pointed

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1 questions.

2 And my team goes out there and  
3 checks to see what they have written us on  
4 their verification form actually is true, so  
5 we check it out. So, anyway, we have the  
6 natural standards and we also wanted to  
7 highlight meat that is even that step above.  
8 So we will have animal compassion meat as our  
9 producers are able to meet those high  
10 standards.

11 You can look on our website,  
12 wholefoodsmarket.com, and you can see the  
13 current, the ones that we have already done,  
14 which is beef cattle, ducks, pigs, sheep.  
15 We're almost done with broiler chickens.  
16 We're near completion with turkeys and chicken  
17 egg layers and dairy cattle are starting --  
18 are going to be done this year. And we know  
19 dairy cattle is going to be a tough one, but  
20 we know it can be done and I think a lot of  
21 the producers today have said that it can be  
22 done.

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1 But what's real important for you  
2 to know that on these -- on all the species  
3 specific standards, pasture-based production  
4 is a given. And it's based on what a clear  
5 definition of what constitutes a pasture.  
6 Barns are considered as places to visit for  
7 temporary shelters.

8 So our guiding principles, when we  
9 create these animal compassion standards, Goal  
10 A is to maximize the welfare of the animal.  
11 Goal B is to minimize cost and maximize  
12 efficiencies. We know that Goal B cannot be  
13 ignored. You have to have people that are  
14 still in business, but we're making it  
15 subordinate to Goal A.

16 And the biggest tenets that we  
17 have it's animals can practice their natural  
18 behaviors and maintain highest health in  
19 pasture-based systems. We have what we call  
20 the five people in the airport test. We've  
21 got this from Temple Grandin, who we work with  
22 quite a lot, and she says, and I know Temple

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1 does this, when she is on a plane she has got  
2 her pictures and she will say to the people  
3 next to her on the plane what is this -- does  
4 this look like something that you expect? Is  
5 this how you think animals should be raised?  
6 And she will show them pictures, all, you  
7 know, types of pictures.

8 And we felt that was a really good  
9 way of perception is this what our customers  
10 are expecting is happening. So we often refer  
11 to that as five people in the airport test  
12 when we are creating our standards. And these  
13 standards, by the way, are multi-stakeholder  
14 group. We have animal advocate groups. There  
15 we have the producers, our producers of that  
16 particular species we deal with. We have  
17 animal welfare scientists, literally from all  
18 around the world, and many of us in leadership  
19 who are very much involved in this.

20 Then we also created an animal  
21 compassion foundation, because we realized  
22 that there is a lot of education and a lot of

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1 sharing of information that needs to be done  
2 and that a lot of producers want to do it, but  
3 really don't know how to do it. So we created  
4 this network to be as a portal and also we are  
5 funding a lot of studies on animal welfare  
6 systems and experiments that people can't get  
7 funding for other places.

8 So for us the big picture, demand  
9 exceeds supply. The market opportunity is  
10 growing. Dairy is definitely a key crossover  
11 item for the organic consumers. The organic  
12 consumer expectations continue to grow  
13 including marketing transparency and most  
14 organic dairy producers now are already  
15 pasture-based. And I think we've got to  
16 remember that.

17 So what is -- our hope is it's  
18 market bottom line. The integrity of organic  
19 dairy standards including a pasture-based  
20 system as requirement is more important than  
21 watering them down to increase supply or keep  
22 prices down.

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1 (Applause)

2 PANELIST WITTENBURG: The National  
3 Organic Standard should ensure that all our  
4 farmers provide optimum conditions for their  
5 cows, including a standard for pasture be  
6 clearly stated in order to assure consumers  
7 that their expectations for organic or dairy  
8 are being met. A level playing field benefits  
9 farmers and consumers. Anything less will  
10 diminish the value of organic.

11 (Applause)

12 PANELIST WITTENBURG: So the next  
13 step as we see it, really support this  
14 public/private partnership with the National  
15 Organic Standards Board. You know, again, as  
16 being a former member and as our company being  
17 a strong supporter, the NOSB is similar to us  
18 at Whole Foods Market where we look at our  
19 consumers. NOSB is for the USDA to really get  
20 that pulse of what the country is looking for  
21 for organic and should be listened to.

22 The USDA's pasture advanced notice

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1 of rulemaking and this symposium is fabulous.

2 It is providing the opportunity for all  
3 voices to be heard. We need to keep the  
4 process moving and have a defined date for  
5 completion.

6 And then, lastly, we should  
7 support an approach to livestock rearing  
8 standards, including pasture access, that  
9 focuses on the animal and then balances  
10 consumer expectations regarding organic  
11 integrity with workable standards for farmers.

12 Thank you.

13 (Applause)

14 FACILITATOR ANDERSON: Thank you.

15 Thank you, Margaret. It's my pleasure to  
16 welcome Maryellen Molyneaux here. Maryellen  
17 is the President of Natural Marketing  
18 Institute.

19 PANELIST MOLYNEAUX: Good morning  
20 and thank you for the opportunity to address  
21 the symposium. I was asked to do some very  
22 specific research around these issues that I'm

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1 going to present this morning, just a little  
2 bit of background on the Natural Marketing  
3 Institute for those of you who are not  
4 familiar with us.

5 We're a strategic business  
6 consulting firm and market research company  
7 that specializes in health, wellness and  
8 sustainability. What truly differentiates us  
9 is our databases. We now have over 300,000  
10 consumers in our databases with very  
11 comprehensive information on what they want,  
12 what they do, why they act, why they don't,  
13 what their needs are, etcetera, within all  
14 areas of health and wellness and this one was  
15 a particular one that we wanted to go into a  
16 little bit deeper after some discussions with  
17 USDA and Bob Anderson.

18 Just to talk about the research  
19 itself, which I think is very important to  
20 give you a perspective on this this morning,  
21 because we have heard a lot of comments about  
22 what consumers want and we have seen a little

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1 bit of real research from Whole Foods. And I  
2 want to start by saying what the objectives  
3 were, to really understand from consumers what  
4 their usage levels were of specific organic  
5 products and specific organic dairy, what  
6 their reasons for use are and what the  
7 relative importance of the pasture issues are  
8 to consumers.

9 And I do mean the relative  
10 importance. And one of the things that we  
11 spent a lot of time in trying to delineate,  
12 both with my team, my writers, RPHDs that did  
13 the analysis and with USDA, was to have an  
14 unbiased survey. This is extremely important  
15 because you could do qualitative research in  
16 this issue.

17 Go talk one-on-one with consumers,  
18 go do focus groups, go talk to them just  
19 without any aided questions, without any  
20 multiple choice lists and so forth and ask  
21 them why they use organic dairy. And I can  
22 tell you that I have done before we started

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1 this and I continue to do it. I have done  
2 about 50 one-on-one interviews in the process  
3 over the last month. Never once, never once  
4 did a consumer address the issue of pasture  
5 with me until I brought it up.

6 Their issue atop of mine in  
7 qualitative research were antibiotics and  
8 hormones. What we tried to do in this  
9 research though was to quantify some of these  
10 things, because that is really important. You  
11 need to have an unbiased survey that is  
12 nationally projectable that is going to give  
13 you some numbers. So we started with 1,000  
14 U.S. adult population balanced to Census. We  
15 included within the survey the identification  
16 of organic product users, their frequency of  
17 use and specifically organic milk and other  
18 organic dairy products.

19 It was an online methodology  
20 conducted between March 23<sup>rd</sup> and March 26<sup>th</sup> of  
21 this year. And, as I mentioned before, we  
22 wanted to get at the relative importance of

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1 pasture, so we used advanced regression  
2 analysis in a classification and regression  
3 tree to determine the true drivers of frequent  
4 usage and I'm going to show you some of that  
5 this morning.

6 So the data that you're looking at  
7 at the 95 percent confidence level is accurate  
8 to plus or minus 3 percent. Please, remember  
9 the plus or minus 3 percent, as I go through  
10 the presentation, I'm going to refer you to  
11 this so you can see where the different levels  
12 of importance are and how different they truly  
13 are.

14 First of all, when we asked  
15 consumers what they use, we went across six  
16 different categories and the results of this  
17 very much agreed with our national survey and  
18 our health and wellness trends data. The  
19 fresh fruits and vegetables, 44 percent of the  
20 population said that they have used them in  
21 the past six months. Packaged foods drops to  
22 28. Dairy and milk, organic dairy milk

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1 products, about one fourth of the population,  
2 24 percent. That is in comparison to the 96  
3 percent of the general population that use any  
4 kind of dairy products.

5 Organic personal care drops to 21.

6 Beverages beyond milk, 20 percent, and  
7 clothing and linens in a very emerging  
8 category at 7 percent. You net any usage and  
9 over half the population, about 53 percent of  
10 consumers, have used at least one of these  
11 organic product categories within the past six  
12 months.

13 When we look at the specific users  
14 of organic dairy other than milk and users of  
15 organic milk within the survey, we wanted to  
16 see what their usage was and what the cross  
17 usage of categories is, because we have seen  
18 from our other research that these two  
19 categories are very important to all organic  
20 categories. So you see the general population  
21 usage here in the second column, which is the  
22 numbers I just showed you on the previous

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1 chart, and then see the difference on the  
2 percentage of users from organic dairy users,  
3 organic milk users.

4 Organic dairy and milk users are  
5 significant users of other organic categories.

6 It's extremely important what you're doing  
7 here today because these are integrated  
8 consumers that can affect the rest of the  
9 organic industry. And I may get on my soapbox  
10 this morning and I'm going to ask you to  
11 excuse me, but I get very upset at emails that  
12 go around asking for boycotts. It's  
13 ridiculous because it will affect the entire  
14 organic industry, not two companies. Be aware  
15 of how much they use.

16 (Applause)

17 PANELIST MOLYNEAUX: These two  
18 groups are significant users of all other  
19 organic categories. 88 percent, 89 percent  
20 use organic produce. Three- quarters use  
21 organic packaged foods. Two-thirds use other  
22 beverages. 70 percent of organic dairy users

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1 also use organic milk. The same, three-  
2 quarters of organic milk users, the 74 percent  
3 use other organic dairy.

4 Over 50 percent of them use  
5 organic personal care and almost a quarter of  
6 them use organic clothing and linens. They  
7 are two to four times more likely to use all  
8 organic categories. It's extremely important  
9 that you address their concerns and address  
10 them correctly and responsibly.

11 When we look at the users of all  
12 the categories that are here, those two  
13 columns in yellow are the ones that I just  
14 reviewed with you, you can see that we do have  
15 some very high usage, cross usage, across  
16 categories. So you have category users going  
17 across here. So users of organic produce,  
18 about 57 percent of them used packaged foods,  
19 about a third of them use organic milk. Okay.

20 The produce user, about a third of  
21 them, 36 percent using organic milk, 38  
22 percent using other organic dairy. As you

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1 look again at these two consumer groups in  
2 comparison to other consumers, you have got  
3 very high usage in comparison and the only  
4 other ones that might be more integrated might  
5 be users of organic clothing and linen. New  
6 emerging categories will present that way.

7 We clearly see as we look across  
8 here produce as an entry category and then  
9 packaged foods, and you can see milk really  
10 coming down a little bit. But, again, these  
11 consumers that use these categories are  
12 integrated users of all.

13 When we look at their frequency of  
14 usage, you can see here that users of organic  
15 milk and other organic dairy right in the  
16 middle there in the white and that light  
17 yellow column, have a frequency of about  
18 almost 50 percent that use more than once per  
19 week.

20 So in comparison to personal care,  
21 clothing and linens, they use them higher, but  
22 that makes sense when you think about the

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1 category. If they are going to buy those  
2 products, they are the type of products that  
3 they will use every day. But organic dairy  
4 products are used more than organic packaged  
5 foods and slightly more than fresh fruits and  
6 vegetables. So, again, it's an important  
7 category that is getting frequent usage.

8 When we look at the general  
9 public, and I'm going to show you information  
10 by general population and I'm going to show  
11 you the same information by organic users,  
12 organic dairy users, and then I'm going to  
13 show you information by other organic users  
14 that don't use organic dairy so you can see  
15 the comparisons.

16 The first thing that is important  
17 here as we look at the charts, this is what is  
18 important to them. We asked consumers and  
19 gave them a long list of attributes to find  
20 out what was important when they thought about  
21 organic milk and organic dairy products, what  
22 attributes were important. So this is top two

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1 box, extremely, somewhat, out of 5. So out of  
2 five levels, these are the top two boxes.

3 The most important thing were no  
4 additives, no artificial ingredients. Next  
5 was hormones. Next was humane treatment  
6 followed by antibiotics. What I want you to  
7 see in the yellow bars is that pasture is here  
8 at 55 percent. Yes, it's important, but  
9 significantly less important than the issues  
10 of ingredients and humane treatment.

11 So as we asked consumers what is  
12 important to them, this is the general  
13 population. So just note the ranking here and  
14 remember that plus or minus 3 percent  
15 difference. That's why I'm showing you that  
16 these yellow bars at the top are significantly  
17 more important to consumers than these two at  
18 the bottom.

19 When we look at organic dairy  
20 users you see the same break. Notice the jump  
21 in the percentages. You went from 60  
22 percentiles at the top to 87 percents at the

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1 top. This is among organic dairy users. 87  
2 percent say contain no hormones is important.

3 Then it's about artificial additives.  
4 Organic feed is extremely important at 84  
5 percent. Same for no antibiotics and 80  
6 percent that the animals have been treated  
7 humanely.

8 That dotted line break is there  
9 for you to see the significant difference  
10 break. The two items below, pasture and  
11 exercise, are of significantly less importance  
12 to these consumers than the rest of it. It  
13 doesn't mean it's not important to them. It  
14 just means that it's less important. So you  
15 have 72 percent of organic dairy users that  
16 say that grazing in a pasture is important,  
17 but remember 87 said hormones and antibiotics  
18 and humane treatment.

19 When we look at these same  
20 numbers, and we're going to separate them now  
21 by ingredient issues and treatment of animal  
22 issues, and I broke this chart, it may be a

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1 little hard to read in the back of the room,  
2 but you have got in the green chart -- in the  
3 green bar are organic dairy users. In the  
4 yellow bar are users of all other organic  
5 products who don't currently use organic  
6 dairy.

7 What you see first is that pretty  
8 much they think the same with less intensity,  
9 the only difference being where you see this  
10 little dotted box on those three measures,  
11 additives, antibiotics and organic feed. That  
12 is where organic dairy users are significantly  
13 different from non-users. So these are  
14 consumers that are in the category, in the  
15 general organic category, but not using  
16 organic dairy.

17 So we have got -- definitely, as  
18 we look at the ranking of numbers, we can see  
19 that ingredient issues are more important to  
20 consumers than treatment of animals and we  
21 have seen this pretty consistently. And,  
22 again, it's not to say that it's not important

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1 because you could look at the numbers that are  
2 at the bottom, 66 to 75 percent even among  
3 non-users, and say, well, that's still a  
4 significant number to address. But as we look  
5 at where these things lie, what we wanted to  
6 try and connect within the regression analysis  
7 that you're going to see is what truly drives  
8 frequent usage.

9 We looked at those, their  
10 frequency of usage, and broke out three  
11 groups, the super-heavy dailies, these are the  
12 consumers that drink or use organic dairy more  
13 than once a day, heavy users that are using  
14 one time a week or more, and light users that  
15 are less than once a week, and broke out the  
16 attributes by ingredients and also by  
17 treatment of animals.

18 As you look at the super-heavy  
19 users and the heavy users you can see much  
20 higher numbers, first of all, than the light  
21 users, which you would expect. You would  
22 expect that heavy users have more knowledge,

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1 which they appear to do. Where you see a  
2 small capital letter there, that indicates a  
3 significant difference. So amongst the  
4 heaviest users, they are more concerned about  
5 ingredients, additives, anything artificial  
6 being added to organic dairy and much more so  
7 than the other two groups.

8 When we look at pasture  
9 specifically, both of the heavy groups, the  
10 super-heavy dailies and the heavy users, more  
11 than once a week, are more concerned,  
12 significantly more concerned, and it's easy to  
13 see in that number here, than light users, 81  
14 and 79 compared to 55.

15 But, again, this high number, 93,  
16 was really the most concern and that was about  
17 additives, any kind of artificial additives,  
18 and these would be concerned with organic  
19 dairy such as cheeses and things where they  
20 might be concerned about someone using an  
21 artificial color or flavor, something like  
22 that.

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1           As we again took a look at those  
2 numbers and we did some regression analysis  
3 against frequency of usage, what was  
4 determined in the card analysis -- and you  
5 look at this as a relative score. It's not a  
6 percentage. It's a relative score. So  
7 relative to other measures, antibiotics and  
8 organic feed are the most significant drivers  
9 of frequent usage of organic dairy products.  
10 I will say it again. Relative to other  
11 measures, antibiotics and organic feed are the  
12 most important predictors of frequent organic  
13 milk and dairy usage.

14           It drops off beyond that to  
15 hormones and pasture. They drop off in  
16 relative importance. They drop down about 16  
17 percent. Again, it doesn't mean that it's not  
18 important, but relative to the frequent usage,  
19 and this confirmed for me what I heard in  
20 qualitative, that in one-on-one interviews it  
21 was about antibiotics and hormones and that  
22 consumers automatically think about organic

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1 feed.

2 If you put the issues of pasture  
3 in front of them and start asking them a lot  
4 of questions about it and what it is and what  
5 it isn't, of course they are going to say that  
6 animal is to be treated humanely and that  
7 animal needs to be outside and that animal  
8 needs to have this and the animal needs to  
9 have that. We're all pet lovers in the U.S.  
10 today and it's a really strong movement.

11 However, to do it in an unbiased  
12 way you need to put it into perspective of  
13 other attributes and do the regression  
14 analysis to see what truly is pushing frequent  
15 usage. For example, what you see here, humane  
16 treatment was at a relative score of only 43.

17 It was less than half as important as no  
18 antibiotics and organic feed.

19 That is a number that you can't  
20 argue with and you have to take the  
21 qualitative with it. And remember that when  
22 you talk to your consumers, you have to talk

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1 to them in an unbiased manner to find out what  
2 is really on their mind and we can drive  
3 anything that we want. And I'll bet if I did  
4 this survey today, just because of the email  
5 that is being circulated about boycotts, I'm  
6 going to get some different answers. So we  
7 need to be responsible in what we're putting  
8 out there.

9 As we then took those consumers,  
10 the ones up here that said that pasture was  
11 important, had a top two box in score on  
12 pasture is important to these, to organic  
13 dairy, we asked them what it meant and,  
14 clearly, it means to be outside eating grass  
15 most days at least. 75 percent, 78 percent  
16 say outside every day or outside most days.

17 You can see that this really  
18 doesn't make sense to consumers as you ask it.

19 This was the very last question that they  
20 got. It was filtered off only to those who  
21 answered that pasture was important. So then  
22 we asked them what does that mean, and then

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1 you get a very clear answer that it does mean  
2 being outside.

3 So let's have some conclusions.  
4 Almost one-fourth of the population has used  
5 organic dairy products in the past year.  
6 Organic dairy users are significant users of  
7 other organic categories. Therefore, any  
8 changes to the rulings must be considered  
9 carefully to protect all organic categories  
10 not just organic dairy.

11 Almost half of organic dairy users  
12 use these products more than once per week.  
13 In general, ingredient issues and humane  
14 treatment are more important reasons for usage  
15 than grazing among organic dairy users. In  
16 general, grazing is more important to the  
17 daily and heavy users of organic dairy than to  
18 light users.

19 No antibiotics and the use of  
20 organic feed are the highest drivers of  
21 frequent use of organic dairy followed by no  
22 hormones and grazing. And among those who

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1 thought grazing was important, it means to be  
2 outside eating grass.

3 And now I think we can take some  
4 questions. I'm going to stay here in case you  
5 want to see a chart. I have a feeling it will  
6 come up.

7 FACILITATOR ANDERSON: Andrea?  
8 Andrea, Dan and Julie.

9 PARTICIPANT: I don't think it  
10 will reach.

11 MEMBER GIACOMINI: I'll go first,  
12 then we'll see if it gets down to Andrea. Dan  
13 Giacomini, NOSB, specifically to Margaret and  
14 Maryellen can comment, please. In your  
15 survey, your one question that you had a  
16 significant number on was majority of food  
17 from pasture.

18 Was that in the form of lettuce or  
19 de-hy or how much and how much confusion with  
20 the consumer do you think -- in our  
21 discussions being dry matter intake, as  
22 percentage of dry matter intake for the last

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1 two days, where does that fit with your  
2 numbers?

3 PANELIST WITTENBURG: Can you hear  
4 me on-- is this working? All right. Okay.  
5 Consumers are expecting that pasture is the  
6 default, that they only go in when it's  
7 inclement weather like very bad weather or  
8 when they are being milked. So I think that  
9 is the key here, is that, you know, they are  
10 not thinking of specific percentages. It's  
11 just that the default for pasture, the default  
12 for the animal is that pasture would be their  
13 living conditions.

14 Does that tell you enough or did  
15 you need more clarification?

16 MEMBER GIACOMINI: I just wanted  
17 clarification on whether -- making sure we're  
18 talking apples and apples and not apples and  
19 oranges.

20 PANELIST WITTENBURG: Of what is  
21 on a pasture or what?

22 MEMBER GIACOMINI: As far as your

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1 question of the majority of food from pasture,  
2 which is at much less of a feed intake rate  
3 for pasture than 30 percent dry matter.

4 PANELIST WITTENBURG: Like I said,  
5 the question to the consumer was asking them  
6 how they felt pasture worked within an organic  
7 dairy system. They weren't -- they were to  
8 consider dry matter intake or whatever.  
9 Again, their feeling that dairy cows should be  
10 on pasture, should be getting a lot of their  
11 nutrient value from pasture, it's not  
12 excluding supplemental feed. We didn't ask  
13 them that, but they are just saying that  
14 that's where they expect a dairy cow to be  
15 rather than inside.

16 MEMBER CAROE: Andrea Caroe, NOSB.  
17 I have two questions. One, Maryellen, if you  
18 could just clarify. On one of the last charts  
19 that you showed, could you clarify that those  
20 drivers, those factors that the -- I think  
21 they were from your check all that apply on  
22 pasture, if you -- okay, those. Those, the

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1 participants that were in that study, were  
2 only those that suggested pasture is  
3 important? It's on.

4 PANELIST MOLYNEAUX: The  
5 particular question is at the end of the  
6 survey and it's filtered off only to those  
7 consumers who thought that pasture was  
8 extremely or somewhat important.

9 MEMBER CAROE: So --

10 PANELIST MOLYNEAUX: What does  
11 that mean?

12 MEMBER CAROE: So do you have the  
13 percentage of the overall survey group then?

14 PANELIST MOLYNEAUX: I would have  
15 to go back and look at it. I don't know it  
16 offhand.

17 MEMBER CAROE: But it would be  
18 significantly less than this because it's only  
19 a  
20 small --

21 PANELIST MOLYNEAUX: Oh, it would  
22 be significantly less, yes.

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1                   MEMBER CAROE:    Okay.    So that was  
2   one clarification I just wanted to get.   And  
3   then the other question I have, it appears  
4   from your data that unless pasture was put in  
5   front of the consumer, they just assumed that  
6   cows are pastured.   I mean, I think that Joe  
7   and Mary Consumer's view is that cows are on  
8   pasture and unless you tell them otherwise,  
9   they are not going to bring up the issue.

10                  PANELIST MOLYNEAUX:    Unless you  
11   tell them otherwise, they don't bring up the  
12   issue.       And, actually, even in many  
13   interviews, even when I was only getting  
14   antibiotics and hormones -- excuse me, I have  
15   a little bit of a cold.   As we only got  
16   answers in the interviews that it was all  
17   about antibiotics and hormones, as we even  
18   took them deeper and said, well, what about  
19   the animals and how they were treated, the  
20   word pasture never came up.

21                   It just -- you know, it was really  
22   about organic feed and just in general humane

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1 treatment. Unless I really kept digging and  
2 digging and digging, I didn't get to the  
3 pasture issue. So while I think that they  
4 have some perception in the back of their mind  
5 of what these things are and what they see in  
6 advertising and so forth, it's not the real  
7 reason why they drink and use organic dairy  
8 products.

9 MEMBER CAROE: Okay. So just to  
10 clarify, I mean, I don't think this is -- I  
11 think this is across the board, organic or  
12 conventional, that folks believe that cows eat  
13 grass.

14 PANELIST MOLYNEAUX: They think  
15 that their product is healthier.

16 MEMBER CAROE: Okay.

17 PANELIST MOLYNEAUX: But when we  
18 ask them what that means, they talk about  
19 antibiotics and hormones.

20 MEMBER CAROE: Okay. Then going  
21 to that, I don't know if you have any data on  
22 this and I want to ask if you have asked this

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1 question, I think consumers probably expect  
2 that when it's snowing out that the cows are  
3 inside. You know, I mean, the reason I ask  
4 this is California has got a campaign through  
5 the Milk Order where, you know, it's egregious  
6 to have the cows out in the snow and they all  
7 go to California.

8 I mean, it's a popular campaign  
9 because consumers don't like the idea of the  
10 cows. Did you ask the questions? Did you  
11 drill down a little bit and say if it's  
12 between pasture and being out in inclement  
13 weather, which would you prefer or if it's  
14 between depleting the water supply and having  
15 --

16 PANELIST MOLYNEAUX: That's the  
17 answer. That's the way we asked it.

18 MEMBER CAROE: Okay.

19 PANELIST MOLYNEAUX: Most days in  
20 season. We, in this particular research, did  
21 not take this any deeper than that.

22 MEMBER CAROE: I would be

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1 interested to see.

2 PANELIST MOLYNEAUX: We can do  
3 that for anybody that is interested in paying  
4 for it. Big group here, you could all share  
5 it. Hey, by the way, you all need to say  
6 thank you to USDA because they just provided  
7 you some very valuable information.

8 (Applause)

9 MEMBER JAMES: Bea James, NOSB.  
10 Okay. My question is for you. Do you think  
11 that most consumers are educated enough to  
12 understand that organic should include  
13 pasture? With only 3 percent of the  
14 population consuming organic and natural  
15 foods, how can we make this assumption that  
16 1,000 people is enough to be able to determine  
17 that pasture is not important?

18 PANELIST MOLYNEAUX: It's not 3  
19 percent. That number is wrong. The number  
20 that are consuming organic products using is  
21 56 percent that have used any in the past year  
22 and in this one it was 53 percent have used in

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1 the past six months, and a quarter of them  
2 have used organic milk and dairy.

3 MEMBER JAMES: No. What I mean is  
4 the grocery industry is a \$550 billion  
5 industry and of that industry about --

6 PANELIST MOLYNEAUX: About sales.

7 MEMBER JAMES: -- 3 percent of  
8 those people are consuming organic and natural  
9 foods, and your survey is only on --

10 PANELIST MOLYNEAUX: No, your  
11 number is wrong. It's 3 percent of sales not  
12 3 percent of --

13 MEMBER JAMES: 3 percent of sales.

14 PANELIST MOLYNEAUX: It's 3  
15 percent of sales, not 3 percent of consumers.

16 MEMBER JAMES: Okay. I apologize,  
17 3 percent of sales. So with that, I guess I  
18 just -- my basic question is do you really  
19 feel that 1,000 people is enough to be able to  
20 make an assessment?

21 PANELIST MOLYNEAUX: Yes. The  
22 answer is yes, yes, yes, yes, yes. Let me

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1 tell you.

2 (Applause)

3 PANELIST MOLYNEAUX: We do a  
4 survey of 50,000 consumers every quarter. I  
5 get the same answers on 50,000 that I get on  
6 1,000 within the realm of accuracy, plus or  
7 minus 3 percent. It's plus or minus 3  
8 percent. 50,000 is plus or minus .4 percent  
9 and we're within the same scale.

10 MEMBER JAMES: So you feel that  
11 consumers are --

12 PANELIST MOLYNEAUX: It absolutely  
13 is.

14 MEMBER JAMES: -- educated and  
15 they understand what organic means?

16 PANELIST MOLYNEAUX: I didn't say  
17 that. I can show you other research that we  
18 have that will show you where the information  
19 on consumers, where it's lacking. You can  
20 look at -- for example, we test within our  
21 health and wellness trend survey organic  
22 regulations and organic perceptions and

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1 desires for products, and you can clearly see  
2 that the elements that are regulated still are  
3 not perceived correctly by everybody, even by  
4 heavy organic users. It's getting better.

5 That's the good news, that it is  
6 getting better. Understanding of what the  
7 term organic means is important, but let me  
8 give you an example of that. You can ask  
9 consumers what's important or not what's  
10 important, what they want, and they will  
11 answer I want foods that are grown or that are  
12 processed without chemical fertilizers,  
13 without pesticides, 69 percent.

14 Then you ask them, they don't want  
15 artificial additives and it drops into the 50  
16 percent. And then you can ask them another  
17 organic regulation that drops into the 40  
18 percent and then you can ask them do you want  
19 organically grown foods and it drops into the  
20 30 percent. And the reason that there is such  
21 a difference is they don't connect what  
22 organically grown means to the regulated

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1 statements. They don't quite get the  
2 connection.

3 And we have been pounding this for  
4 quite awhile and OTA gets upset with us now  
5 and then, but it is what it is. And you can  
6 look at it among organic devoteds, the  
7 heaviest users of the category, and all those  
8 numbers go up into the 90 percentile. And  
9 look at it among temperates or dabblers and it  
10 drops into the 50 and the 30s. So you're  
11 bringing people along and educating and that's  
12 going to be the same thing that is going to  
13 happen here.

14 MEMBER KARREMAN: Question. Hugh  
15 Karreman, NOSB. You have a sliding scale  
16 here. If you were to ask organic consumers, I  
17 mean, it's kind of like breathing. You don't  
18 think about it. You know, I mean, cows are  
19 out there. They are grazing. That's -- you  
20 have to bring it up. But if you were to say  
21 do you think organic cows should be on  
22 pasture, yes/no, do you think that would give

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1 a different result here?

2 PANELIST MOLYNEAUX: This is in a  
3 ranked scale order. The question that is  
4 asked here is in a ranked scale order of what  
5 is important to them when they consider  
6 organic dairy products. There really isn't a  
7 better measure of ranked importance.

8 And probably, notice that the  
9 pasture number is 72 percent among organic  
10 users and hormones is at 87, more than likely  
11 you would get a similar answer about pasture.

12 I don't think it's going to be a whole lot  
13 different than that and the only purpose here  
14 was to put it in perspective.

15 FACILITATOR ANDERSON: Julie?

16 MEMBER WEISMAN: This is Julie  
17 Weisman, NOSB. I wanted to look at the chart  
18 that has the regression analysis that puts  
19 them with the top being 100 and then working  
20 down.

21 Can you, please, review for me who  
22 does this include? Is this the general

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1 population or are these organic users and if  
2 it's the organic users, are they the heavies,  
3 the moderates, the lights?

4 PANELIST MOLYNEAUX: This is among  
5 organic users and what regression analysis  
6 took into account was all of the attribute  
7 measures and how they related to frequency.  
8 So it's not just the heavy users, it's all  
9 organic. So what you do in the regression  
10 analysis, it's almost like it's coding one  
11 answer against one person and how frequent  
12 they are, one answer in one, and you have to  
13 put it through the regression to get to it, to  
14 get to the relative score and relative  
15 rankings.

16 MEMBER WEISMAN: Okay. And then I  
17 had another piece of question, which may be  
18 for the program. How can we have access to  
19 this information beyond today?

20 PANELIST MOLYNEAUX: This data  
21 will be posted on the website.

22 MEMBER WEISMAN: And what about

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1 some --

2 PANELIST MOLYNEAUX: Just so you  
3 all heard that answer?

4 FACILITATOR ANDERSON: No, I  
5 didn't.

6 PANELIST MOLYNEAUX: This data  
7 will be posted on the website.

8 MEMBER WEISMAN: Thank you.

9 PANELIST MOLYNEAUX: Right, all of  
10 it. Say thank you again.

11 (Applause)

12 MEMBER ENGELBERT: Kevin  
13 Engelbert, NOSB. I would like to know why you  
14 differentiated between humane treatment of  
15 animals and pasture, because I believe  
16 consumers assume they are one and the same.

17 And I also would like you to  
18 comment again on the assumption that consumers  
19 have -- because every organic milk carton  
20 either states that the cows are pastured or it  
21 shows pictures of cows on pasture, that they  
22 have already made the assumption that that's

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1 where the cows are and that's why they didn't  
2 bring it up.

3 PANELIST MOLYNEAUX: Again, asking  
4 relative importance to why you use organic  
5 milk and dairy products and why you consider  
6 them, we asked humane treatment and pasture  
7 and exercise separately because they were  
8 words that were being bantered about, phrases  
9 that are being bantered about that are  
10 important to consumers, and we wanted to see  
11 if there was any difference.

12 What you see in this particular  
13 chart among organic dairy users is that humane  
14 treatment overall is significantly more  
15 important than being in a pasture. Are they  
16 still both important? Yes. I will say it  
17 again. They are still both important, but  
18 humane treatment, no hormones, no antibiotics,  
19 organic feed were more important.

20 There is a lot of different ways  
21 to structure research. You could go back in  
22 and retest these consumers and ask a whole

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1 other long slew, but USDA didn't have \$50,000  
2 to spend, so we did it as to what was really  
3 important to get at and did the regression  
4 against all these to really determine among  
5 frequent users what was driving the frequent  
6 usage.

7 It's the best way to get at it in  
8 this type of methodology. Can you do it a lot  
9 of different ways? Sure. I can ask consumers  
10 100 different ways and, you know, on some  
11 issues I'll get some different answers.

12 FACILITATOR ANDERSON: Joe?

13 PANELIST MOLYNEAUX: Have I --

14 MEMBER SMILLIE: Question for  
15 Margaret. Joe Smillie, NOSB. What I want to  
16 delve into a bit here is consumer expectations  
17 in the regulation and, you know, as a veteran  
18 of the Organic Twinkie debate, we can talk a  
19 lot about consumer expectations and whether  
20 they meet the regulation or whether the  
21 regulation should try and meet consumer  
22 expectations or that really a lot of the role

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1 of what we need to do is consumer education.

2 Whole Foods is a leader in meeting  
3 consumer expectations and in educating the  
4 consumer and you have played that role very  
5 well. And I think on this issue I would like  
6 to find out, not only for yourself, but  
7 speaking for the retail community, how you  
8 would strive to affect that balance.

9 Again, I didn't want to confuse  
10 people about talking about the Organic  
11 Twinkie, but there's many consumers who do not  
12 feel that organic should be certifying  
13 alcohol, tobacco or white sugar or white flour  
14 and their expectation is that organic food as  
15 a consumer, you know, it's a healthy food.  
16 And, yet, the regulation, I think, is clearly  
17 based on an agricultural methodology, that  
18 it's the way you grew the sugarcane to create  
19 the white sugar, what the regulation is pinned  
20 on.

21 So in your position at Whole Foods  
22 and also your position as a spokesperson for a

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1 retailer and a previous NOSB member, how would  
2 you see the retailing community, the balance  
3 between meeting consumer expectations, which  
4 may not be always accurate, and educating the  
5 consumer as to what organic really stands for  
6 in the sense of the regulation?

7 PANELIST WITTENBURG: Okay. Well,  
8 first of all, I think we all have to really  
9 remember the other big bottom line here of  
10 what is organic and I think, Joe, you said it,  
11 organic agriculture, the soil. You know, the  
12 soil is a really important part of this, the  
13 regeneration of the soil. That is the basis  
14 of organic and we can't lose that. And I  
15 think part of that is then educating consumers  
16 more about organic.

17 You know, we and all the other  
18 retailers, part of our job has been to tell  
19 people to really define more for them what  
20 does organic really mean and really educate  
21 them in all aspects of that. That is part of  
22 what we do. And what we don't want to have to

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1 do is have to do our own certification work  
2 and go out there and make sure that this meets  
3 the standards of what we think the intent of  
4 organic should be.

5 I just loved in the previous, with  
6 the farmer/producer group, when they said the  
7 intent of organic, the intent of having a  
8 pasture is the -- at Whole Foods Market we  
9 call it the soul, you know, the soul of  
10 organic. It has to be there and that's what  
11 we're looking for, and I think that educating  
12 the consumers what that means is very, very  
13 important.

14 You know, certainly, you know, any  
15 marketing study that we have seen for years  
16 and years has shown that, you know, the  
17 organic consumer, it's all about me, you know,  
18 what is my health and all that, but you have  
19 to educate them here's what organic is really  
20 about. It's the soul of the soil and it's  
21 really important to understand that and then  
22 educate them about that.

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1                   And then part two on that. When  
2                   you're getting an animal involved, an animal  
3                   is not a piece of corn. It's a sentient  
4                   animal, you know, and we really need to  
5                   understand that. So we have both the soil and  
6                   the welfare of the animal and really truly  
7                   looking at the welfare of the animal. What is  
8                   in their best interest? What would they do on  
9                   a natural basis? You know, are they going to  
10                  want pasture? Of course they are.

11                  You know, so, you know, keeping  
12                  that in consideration and educating our  
13                  customers about that, too, that's part of our  
14                  role as a retailer. I know, you know, there's  
15                  several retailers of us in this room and would  
16                  say the very same thing. That's part of what  
17                  our role is. We don't just sell groceries.  
18                  We also educate.

19                  (Applause)

20                  MEMBER MOYER: I have one quick  
21                  question, if I could.

22                  FACILITATOR ANDERSON: I think one

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1 more from NOSB and we're going to have to --

2 MEMBER MOYER: This is going to be  
3 a very short question or a very short answer,  
4 I hope. in light of what we're discussing  
5 here, this question is to both of you.

6 For those responders to your  
7 surveys who did say pasture was an important  
8 issue, would the proposed rule change that we  
9 have on the table now satisfy them?

10 FACILITATOR ANDERSON: 120, 30, is  
11 that what you mean?

12 PANELIST MOLYNEAUX: The consumers  
13 --

14 MEMBER MOYER: Yes.

15 PANELIST MOLYNEAUX: The consumers  
16 in the survey do not understand 120 days.

17 MEMBER MOYER: Right, but would  
18 that --

19 PANELIST MOLYNEAUX: 30 percent.  
20 They don't. They really do not have an  
21 understanding of that and I would say, based  
22 on other research that we have done about

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1 regulations and so forth, that it would take a  
2 long time for them to get it. It doesn't mean  
3 it shouldn't be done. It just means it's  
4 going to take a long time for consumers to  
5 understand it.

6 MEMBER MOYER: Sure.

7 PANELIST WITTENBURG: Right. I  
8 think there again, the expectation is that the  
9 pasture is the basis of the animals' living  
10 conditions and I think that's the key thing  
11 for the consumer. They don't get the  
12 percentages and this and that.

13 MEMBER MOYER: Sure, I understand  
14 that.

15 PANELIST WITTENBURG: They are  
16 just going to -- they are going to assume that  
17 that is the default and then expect their  
18 certifiers to be able to check to make sure  
19 that is being done. You know, I think that's  
20 the key.

21 MEMBER MOYER: Thank you.

22 FACILITATOR ANDERSON: I'm going

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1 to actually call for a close of this, not  
2 because there are no -- there are really a lot  
3 of very, very good, excellent questions here,  
4 but in order to be able to start the National  
5 Organic Standards Board meeting on time at  
6 1:00 and make it possible for as many consumer  
7 or public input as possible, I'm going to turn  
8 the meeting over the Mark for just a second.

9 MR. BRADLEY: Yes. We would just  
10 like to thank all the participants for the  
11 pasture symposium.

12 (Applause)

13 MR. BRADLEY: We need to be back  
14 here in this meeting room at 1:00, so that we  
15 can start some semblance of on time. It's  
16 going to make kind of a short lunch break, but  
17 we have a lot of public comment and we have  
18 just a few notes from NOP and the program to  
19 get covered.

20 FACILITATOR ANDERSON: Well,  
21 always being one who wants the last word, I do  
22 have a couple of comments and I would like to

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1 -- if I could, just some closing remarks.

2           These have been really dynamic  
3 discussions and it has been an excellent  
4 process, and I really want to recognize NOP  
5 for having the courage and willingness to  
6 really come out and seek the answers. This is  
7 a long, deliberative process.

8           (Applause)

9           FACILITATOR    ANDERSON:       Remind  
10 everyone that actually NOP won't be the  
11 ultimate sole arbiter of what this rule looks  
12 like, because it will go to the organic, to  
13 the Office of the General Counsel. It will go  
14 to Office of Management and Budget. So there  
15 is a process way beyond even NOP.

16           And then, thirdly, I, too, want to  
17 thank the participants and particularly the  
18 farmers and some who traveled from all over  
19 the country. And I want to also mention that  
20 one of the farmers who is here, just to give  
21 you an idea of the passion and importance of  
22 this, traveled the shortest distance under the

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1     hardest conditions and Roman and Lucy  
2     Stoltzfoos are here and their barn burned down  
3     two months ago. So just to let you know this  
4     is a big, big issue and is very important to  
5     people on the land.

6             And, finally, I want to, to the  
7     NOSB, say thank you and to NOP for getting out  
8     of dodge and coming out in the countryside, so  
9     that there is access to -- so more people have  
10    access to these meetings and you have access  
11    to more people on the land, so I would  
12    encourage you to do it. We did it a lot in  
13    the early days. It was the best part of the  
14    process for us.

15            MR. BRADLEY: And, Bob, thank you  
16    very much for your role in this.

17            PARTICIPANT: Yes.

18            MR. BRADLEY: Excellent job.

19            (Applause)

20            FACILITATOR ANDERSON: Meeting  
21    adjourned.

22            (Whereupon, the symposium was

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1 concluded at 12:33 p.m.)  
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